

AN ACT

To amend sections one, two, and three of the act, approved the sixth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred twelve), entitled "An act providing for the relief of poor persons; regulating their settlements in poor districts; providing a means of enforcing the removal of a poor person to the district of his settlement, the payment for relief furnished to him and the payment of costs thereto; and authorizing courts of quarter sessions to compel certain relations to contribute to the relief of poor persons," defining legal settlement, and the liability of poor districts for support.

Poor districts.

Section 1, act
of April 6, 1905
(P. L. 112),
amended.

Section 1. Be it enacted, &c., That section one of the act, approved the sixth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred twelve), entitled "An act providing for the relief of poor persons; regulating their settlements in poor districts; providing a means of enforcing the removal of a poor person to the district of his settlement, the payment for relief furnished to him and the payment of costs thereto, and authorizing courts of quarter sessions to compel certain relations to contribute to the relief of poor persons," is hereby amended to read as follows:

Legal and
quasi settlements
in poor districts.

Section 1. Be it enacted, &c., That [a settlement may be gained in any poor district by any person, married or single who, bona fide comes to inhabit therein and continue to reside there for one year. Persons born in a place, whether legitimate or illegitimate, shall be deemed to be settled there unless the parent having their custody be settled elsewhere; and all children shall follow the settlement of the parent or parents, stepfather or stepmother, having their custody, until the age of sixteen years.] (a) *a legitimate person is first settled in the poor district of birth unless the father shall then have a known settlement elsewhere, in which case the first settlement of such person is in the district where the father was then settled.*

(b) *An illegitimate person is first settled in the poor district of birth unless the mother shall then have a known settlement elsewhere, in which case the first settlement of such person is in the district where the mother was then settled.*

(c) *The settlement of a person in a poor district continues until a new one is acquired in this State, or elsewhere. A settlement is lost only by acquiring a new one.*

(d) *Except as hereinafter otherwise provided, every adult and every emancipated minor, whether married or single, legitimate or illegitimate, may acquire a new settlement in any poor district of this Commonwealth by coming bona fide to establish a permanent abode therein and continuing to reside therein for one whole year, if such person or minor is of sufficient mental ability to make a bargain, and is not, or does not become, a public charge during said year.*

(e) *The settlement of a married woman during coverture follows that of her husband and continues after his death in the district where he was last settled, but she may thereafter acquire a new settlement for herself. If the husband has no known settlement, then she is settled, whether he be living or dead, in the district where she was last settled. The settlement of a woman after divorce absolute or from bed and board, or desertion by the husband, or withdrawal by the wife from cohabitation with the husband on account of his cruelty, inebriety or lack of support, continues in the district where the husband was last settled, but she may acquire a new settlement for herself.*

(f) *A minor, whether legitimate or illegitimate, cannot be emancipated before age sixteen, and becomes emancipated absolutely at age twenty-one if then of sufficient mental ability to make a bargain. After age sixteen and before age twenty-one, a minor of sufficient mental ability to make a bargain may become emancipated by his own acts or the acts of the parent, stepfather or stepmother, having had the custody. When a person is emancipated, he or she is capable of establishing a new settlement.*

(g) *A minor, whether legitimate or illegitimate, who is so mentally deficient as to be unable to make a bargain, cannot be emancipated after age sixteen, and such a person does not become emancipated at age twenty-one and so long thereafter as said mental condition continues. The settlement of such a person shall, at all times during mental disability, be ascertained as provided in clauses (h) and (i) of this section for the settlement of minors not emancipated.*

(h) *Before emancipation, the settlement of a legitimate minor is and remains that of the father, unless—*

(1) *The father is dead and the mother acquired a new settlement, in which case it follows that of the mother; or*

(2) *The father deserts his family in which case it follows that of the mother; or*

(3) *The mother withdraws from cohabitation with the husband on account of his cruelty, inebriety or lack of support, in which case it follows that of the parent having the custody; or*

(4) *The parents are divorced, either absolutely or from bed and board, in which case it follows that of the parent having the exclusive custody; but where custody is divided between the parents, the settlement remains that of the father; or*

(5) *Both parents are dead and the minor is in the custody of a stepfather or stepmother, in which case it follows that of the stepfather or stepmother having the custody.*

(i) *Before emancipation, the settlement of an illegitimate minor at all times follows that of the mother, and, in case of her death before the emancipation of such minor, continues in the poor district in which she was last settled until such person establishes a new settlement after emancipation.*

Liability for support.

(j) *If a person has no known settlement in this Commonwealth, and cannot for any reason whatever be removed into the state or country where settled, he shall have a quasi settlement in the poor district where he or she becomes a public charge, which district shall be liable for his or her support.*

(k) *If a person becomes a public charge in a poor district other than the one in which settled, such district shall be liable for support until the district of settlement is discovered and removal to such district takes place, but the poor district of settlement shall be liable to the district in which the person became a charge for the amount of relief advanced, costs, and expenses of removal.*

Section 2 amended.

Section 2. That section two of said act is hereby amended to read as follows:

Notice to directors of place of settlement.

Section 2. In case any person shall have no settlement in the district where he applies for relief, it shall be the duty of the directors or poor-law officers, as soon as may be, to notify the directors or poor-law officers of the place of his settlement of the facts. [and from the time of such notice the cost of his relief shall be charged to the district of his settlement.] If the directors or poor-law officers so notified refuse or neglect to receive him, the directors or poor-law officers furnishing such relief may apply to the court of quarter sessions of the peace of the county of the directors or poor-officers furnishing such relief, or to any judge thereof, by petition, and asking for a citation to the directors or poor-law officers so refusing or neglecting, requiring them to appear before such court, at a time to be specified therein, and show cause why an order should not issue for the removal of such person into their custody, to be provided for by them; and the said court shall proceed to hear and determine the cause upon its merits, and their decree thereon shall be final unless an appeal therefrom be taken within thirty days. The citation herein provided for may be served by any officer of the law, or by any agent of the petitioners; and such service may be made by delivering a copy thereof to one or more of the directors or poor-law officers named therein, or their clerk, being within any county of this Commonwealth, and shall be served at least twenty days before the day fixed for such hearing: Provided, That upon the hearing and argument before said court of quarter sessions of said citation for an order of removal of paupers from one district to another, it shall be lawful for either of the parties to the issue to except to any decision of the court upon any point of evidence or law, which exception shall be

Removal of indigents.

Citation.

Hearing.

Decree.

Service of citation.

Proviso.

Exception.

noted by the court and filed of record as in civil cases, and an appeal to an appellate court may be taken by either party from the judgment or decree of the court, with like effect as in civil cases.

Appeal.

Section 3. That section three of said act is hereby amended to read as follows:

Section 3 amended.

Section 3. In case an order of removal is granted by any court of quarter sessions of the peace, under the provisions of this act, the court, in the same order, shall require the directors or poor-law officers of the place of settlement to pay the petitioners the cost of the proceedings, the expense of removing, and the proper charges for the relief of the poor person; [from the date of the notice first above provided for] all of which expense, cost and charges shall be ascertained and allowed by the court. If an order of removal is refused, the cost of the proceeding shall be paid by the directors or poor-law officers petitioning therefor.

Costs, expenses and charges.

APPROVED—The 23d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 203

AN ACT

To amend section nine of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred forty-four), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," by increasing the fee to be charged by the Department of Welfare for certificates of registration.

Section 1. Be it enacted, &c., That section nine of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred forty-four), entitled "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," is hereby amended to read as follows:

Department of Welfare.

Solicitation of moneys.

Section 9, act of May 13, 1925 (P. L. 644), amended.

Section 9. A fee of [two] *ten* dollars shall be paid to the Department of Welfare by every association, copartnership, corporation, or individual at the time of filing the original statement. All fees shall be paid by the department into the State Treasury *through the Department of Revenue*.

Fee.

Disposition of fees.

Section 2. This act shall become effective on the first day of June, one thousand nine hundred and thirty-three.

Effective date.

APPROVED—The 23d day of May, A. D. 1933.

GIFFORD PINCHOT