

AN ACT

Relating to counties of the first class; defining deceased service persons; providing for contributions by the county to the funeral expenses for such persons and their widows; providing for the erection and care of markers, headstones, and flags, and for the compilation of war records.

Counties of the first class.

"Deceased Service Persons," defined.

Section 1. Be it enacted, &c., That "Deceased Service Persons," Defined.—The term "deceased service persons," as used in this act, shall be defined and construed to mean and include any soldier, sailor, marine, yeoman (f) of either service, or member of the enlisted nurse corps, having a legal residence within any county within this Commonwealth, who has died or shall hereafter die anywhere within or without the United States while in the service of the United States, in the military, naval or other branch of the combative forces of said United States during any war or campaign in which the United States has been, or shall hereafter be, engaged, or where a state or condition of war has existed, or shall hereafter exist, in which the United States was, or shall be, a participant according to the records of the War or Naval Departments of the Federal Government, or of any soldier, sailor, marine, yeoman (f) of either service, or member of the enlisted nurse corps, who served or who shall hereafter serve in any such combative force of the United States during any war or campaign in which the United States has been, or shall hereafter be, engaged or who has served, or shall hereafter serve, in any such combative force of the United States where a state or condition of war existed, or shall hereafter exist, in which the United States was, or shall be, a participant according to the records of the War or Naval Departments of the Federal Government, whose separation from such active service was honorable, whether by discharge or otherwise, who has died or may hereafter die in any county of this Commonwealth, or who was in active service in the militia of the State of Pennsylvania, under and in pursuance of any proclamation issued by the Governor, during the Civil War and not duly mustered into the service of the United States, and has been honorably discharged or relieved from such service, and who shall have a legal residence in any county of this Commonwealth, and shall hereafter die either within or without the county of his legal residence.

County commissioners.

Section 2. Sum to Be Spent.—The county commissioners of any county of the first class of this State within which a deceased service person, as hereinabove defined, had a legal residence at the date of his death, or the county commissioners of such county within which a deceased service person died, in case he or she had no legal residence in any county of this Commonwealth,

upon notice, in writing, by any organization of veterans, that the body is unclaimed by relatives or friends, and who upon investigation shall find such condition to exist, are hereby authorized and directed to contribute the sum of seventy-five dollars (\$75.00) toward the funeral expenses of such deceased service person. When a deceased service person has died, while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania, and such home incurs all funeral expenses and buries such person in a cemetery in the city of Erie, Pennsylvania, or the home furnishes clothing, casket, and shipping case, and ships the body to the county from which he was admitted to the home, the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home, the amount of seventy-five dollars (\$75.00), or so much thereof, as was actually expended by such home: Provided, however, That such county commissioners shall not contribute any moneys toward the funeral expenses of such deceased service person, where the total expenses of his or her funeral shall exceed four hundred dollars (\$400.00), nor unless application for the payment of such moneys shall be made within one year after the date of the death of such deceased service man.

Section 3. Burial of Widows of Deceased Service Persons.—The county commissioners of such county are hereby directed to contribute the sum of seventy-five dollars (\$75.00) from the county funds towards the funeral expenses of any widow of any male, deceased service man upon due application and proof: Provided, however, That the county commissioners shall not contribute any moneys toward the funeral expenses of any such widow of a deceased service person, where the total expense of any such funeral shall exceed four hundred dollars (\$400.00), nor unless application for the payment of such moneys shall be made within one year after the date of the death of such widow of a deceased service person.

Section 4. Payments.—It shall be the duty of the county commissioners of each such county in this State to draw a warrant upon the treasurer of their county in the sum of seventy-five dollars (\$75.00) for each body buried in accordance with the provisions of this act, to be paid out of the funds of the county, and such warrants shall be made payable to the applicant or applicants if the application shows that the funeral expenses have been paid, otherwise to the undertaker performing the services, with notice to the applicant.

Application for such contribution shall be made by the personal representative of such deceased service person or deceased service person's widow, if there be such personal representative, if no such personal representative has qualified, then by any next of kin, individual or

Commissioners to be given notice that body is unclaimed.

Funeral expenses.

Pennsylvania Soldiers' and Sailors' Home at Erie.

Funeral expenses.

Limit on funeral expenses.

Application must be made within a year of death.

Contribution permitted to bury widow of deceased service man.

Proviso.

Payment to be made by warrant drawn upon county treasurer.

Persons entitled to make the application for aid.

veterans' organization who, or which, assumes responsibility for the cost of burial of the body, and shall be sustained by affidavit as to the facts.

Form of application.

Certified copy of death certificate.

Affidavit by the undertaker.

County commissioners to procure markers.

Markers to be of cast bronze.

Proviso.

Commissioners may be petitioned to place markers.

Marker to include facsimile of discharge button.

May place markers on graves in another county.

Duty of commissioners, upon application, to place markers on graves.

Such application shall be on forms prescribed by the Department of Military Affairs, and shall set forth whether or not the funeral expenses have been paid. The application shall have attached thereto, a certified copy of the death certificate, and an affidavit by the undertaker, who had charge of the burial of the body, to the effect that the undertaker did render such service, and that the cost of burial did not exceed the sum of four hundred dollars (\$400.00).

Section 5. Markers for Graves; Headstones.—The county commissioners of any such county of this State shall, from time to time, as is considered expedient by the commissioners, procure appropriate markers for the grave of each and every deceased service person buried within the limits of such county. Such markers shall be of cast bronze, which term shall mean a proper composition of the following metals in the following proportions: Copper eighty-five per centum, tin five per centum, zinc five per centum, and lead five per centum: Provided, however, That no board of commissioners shall be required to discard any markers of other materials already purchased by such commissioners whether or not already installed, but no new markers shall in the future be purchased of metal other than cast bronze, as herein defined. Upon the petition of any five reputable freeholders of the county, a marker shall be placed upon the grave of such deceased service person for the purpose of permanently marking and designating such grave for memorial purposes. When such deceased service person shall have been a veteran of any war for which the Government of the United States issued discharge buttons, the markers designated for their graves shall include a facsimile of said discharge button. The county commissioners may, upon the petition of any five reputable freeholders of the county of which any deceased service person may have been a resident, place such marker upon his or her grave when he or she is buried without the limits of said county.

It shall also be the duty of the county commissioners of such county upon, or at any time subsequent to, the death of any deceased service person who shall be buried within their counties, on the application, which application in all cases shall be on forms prescribed by the Department of Military Affairs, of any relative or on the application of any friends of such deceased service person, if such application by friends has been approved by any organization of veterans of any war in which the United States was engaged, and provided that there be no objection by the nearest relative, to cause a headstone or bronze memorial tablet to be placed at the head of,

or on the grave of, each deceased service person, containing his or her name and the rank and organization to which he or she belonged or in which he or she served, in letters raised or cut in at least three-sixteenths of an inch deep on such headstone, to be of either marble or granite, and to be placed or set in a concrete base at least three feet deep, or if a headstone has been provided for such grave by the United States Government, the county commissioners shall provide such concrete base therefor, and the expense for the same shall be paid out of the funds of the county in which such deceased service man died or shall have had his legal residence, or if lettering only on an existing memorial is desired by the family, the county commissioners shall provide such lettering: Provided, however, That the expense shall not exceed the sum of fifty dollars (\$50.00) for each headstone or concrete base or lettering or bronze marker, and the county commissioners of each such county, acting under this section, shall draw a warrant on the treasurer of their county for the payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze marker. No such payment or payments shall be made unless the application therefor shall be approved before the commencement of the project by the county commissioners. Such application shall be accompanied by a death certificate, if procurable.

If headstone furnished by the United States.

Cost of base to be paid by county.

Proviso.

Application must be approved before payment is made.

Section 6. Care of Graves and Markers.—The county commissioners of each county of the first class in this State shall, at all times, see that the graves and tombstones of all deceased service persons, who are buried in such county, receive proper and fitting care, and may employ all necessary assistance to carry out the provisions of this section. The expense of the care of such graves and tombstones shall be borne by the respective counties where said graves are located, except where suitable care is otherwise provided. Money so appropriated may be expended directly by the county commissioners, or paid over to the person, firm, association or corporation owning, or controlling, any cemetery or burial place in the county where any such grave is situated, but the sum so paid over in any year shall not exceed for each grave, the charge for the annual care and maintenance of like graves in the same cemetery, or if no such fixed charge is established in that cemetery, it shall not exceed the sum charged in other cemeteries in the same county for like service.

County to care for graves.

Expense to be borne by county.

Section 7. Flags to Decorate Graves.—It shall be the duty of the county commissioners to provide flags on each Memorial Day with which to decorate the graves of all deceased service persons buried within the county. The flags to be used for said purposes shall be of one

Graves to be decorated with flags on Memorial Day.

standard size and shall be purchased at the expense of the county from moneys in the county treasury.

County to furnish flags.

Such flags shall be furnished to the various veterans' organizations in such numbers as they shall require for their respective communities.

The moneys expended by any such county, under the provisions of this section, shall be in addition to moneys appropriated by counties for Memorial Day purposes.

The authorities in charge of any cemetery are authorized to remove such flags, when the same become unsightly or weather-worn, at any time not less than ninety days after the flags have been placed on graves.

County commissioners to compile record of burial places.

Section 8. Compilation of War Records.—The county commissioners of each county of the first class in the State are hereby authorized and directed, at the expense of the county, to compile a record of the burial places, within such county, of deceased service persons. Such record, so far as practicable, shall indicate the name of each such person, the service in which he or she was engaged, the number of the regiment or company or command, the rank and period of service, the name and location of the cemetery or other place in which his or her body is interred, the location of the grave in such cemetery or other place, and the character of headstone or other marker, if any, at such grave. Such record shall be known as the "Veterans' Grave Registration Record of County," and shall be a public record open to inspection during business hours.

Contents of the records.

Commissioners to furnish record blanks.

The county commissioners of each county of the first class shall cause record blanks to be prepared, according to forms furnished by the Department of Military Affairs, whereby the information required for such record may be transmitted to them. Every person, firm, association or corporation, including a municipal corporation, owning or controlling any cemetery or burial place within a county of the first class, in which are interred the bodies of deceased service persons, shall file with the county commissioners of such county, in which such cemetery is located, a certificate on the record blanks, provided by said county commissioners, of the facts required for such record as far as the same are within the knowledge of such person, firm, association, corporation, or the agents thereof. The county commissioners shall cause record blanks to be distributed to such persons, firms, associations, and corporations, as they deem advisable, with the request that such information be transmitted to them. Any such person, firm, association or corporation, except municipal corporations, upon receipt of such blanks or forms who shall refuse or neglect to fill out and transmit to the county commissioners such blanks or forms within six months after receipt of same, shall be subject to a fine, upon conviction in summary proceedings, of one hundred dollars (\$100.00).

Parties who are to file such records.

Penalty for failure to fill out and transmit record blanks.

For the purpose of locating the burial places of deceased service persons, the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War, through their local camps, posts, and branches in this State, are authorized, without expense to the county, to collect the required data, and prepare and file with the county commissioners, certificates embodying the information provided for in this section. For the purpose of carrying into effect the provisions of this section, the county commissioners shall appoint a veterans' grave registrar who shall receive such compensation as the salary board may fix.

Veterans' organizations to give voluntary assistance.

Registrar.

Section 9. All acts and parts of acts inconsistent herewith are hereby repealed.

Repealing section.

APPROVED—The 11th day of June, A. D. 1935.

GEORGE H. EARLE

No. 150

AN ACT

To further amend section six hundred and fourteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," requiring the payment of fine and costs imposed, before the restoration of operating privilege in certain cases, and imposing duties upon clerks of the courts.

Section 1. Be it enacted, &c., That section six hundred and fourteen of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians,

The Vehicle Code.

Section 614, act May 1, 1929 (P. L. 905), as amended by act of June 22, 1931 (P. L. 751), further amended.