

centum of the last preceding assessed valuation of taxable property therein with the assent of the electors thereof.]

APPROVED—The 28th day of May, A. D. 1937.

GEORGE H. EARLE

No. 280

AN ACT

To amend section two and section nine as amended of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (Pamphlet Laws, two hundred twenty-three—one thousand nine hundred thirty-three—thirty-four), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," further regulating the making of payments to representatives of persons who cannot personally receive compensation.

War veterans.

Section 2, act of January 5, 1933-1934 (P. L. 223), amended.

Section 1. Be it enacted, &c., That section two of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (Pamphlet Laws, two hundred twenty-three—one thousand nine hundred thirty-three—thirty-four), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," is hereby amended to read as follows:

"Veteran," defined.

Section 2. As used in this act, the word "veteran" includes any individual, a member of the military or naval forces of the United States during the war between the United States and Spain, between the twenty-first day of April, one thousand eight hundred and ninety-eight, and the thirteenth day of August, one thousand eight hundred and ninety-eight, or who served in the China Relief Expedition, in the Philippines or Guam, between the twenty-first day of April, one thousand eight hundred and ninety-eight, and the fourth day of July, one thousand nine hundred and two, or during the World War, between the sixth day

of April, one thousand nine hundred and seventeen, and the eleventh day of November, one thousand nine hundred and eighteen; but does not include (a) any individual, at any time during such periods, or thereafter, separated from such forces under other than honorable conditions; (b) any conscientious objector who performed no military duty whatever or refused to wear the uniform; or (c) any alien, at any time during such periods, or thereafter, discharged from military or naval forces on account of his alienage.

The term "legal resident of this Commonwealth" means any individual who gave the State of Pennsylvania, or any specific place in this Commonwealth, as his or her place of residence at the time of entering the military or naval forces of the United States, for such period, without regard to the place of enlistment, commission, or induction. The proof of such residence shall be *either* the official records on file in the War Department of the United States, or such other evidence of *bona fide residence* as may be deemed sufficient by the Adjutant General of Pennsylvania.

Section 2. That section nine of said act as amended by the act, approved the twentieth day of March, one thousand nine hundred and thirty-five (Pamphlet Laws, four); and by the act, approved the twelfth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, six hundred forty-eight); and by the act, approved the twelfth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, six hundred fifty-five); and by the act, approved the twelfth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, six hundred ninety-seven), is hereby consolidated and further amended to read as follows:

Section 9. Whenever, prior to the date of distribution of compensation under the provisions of this act, a veteran entitled thereto shall have died [is legally presumed dead] *or if such veteran shall have been or shall be determined to have been legally dead by the Federal authorities under any act for the payment of Federal benefits*, or becomes mentally incapable of receiving his or her compensation, payment shall be made by the Adjutant General *without proceedings in this Commonwealth*—

(a) In case of mental incapacity, to the guardian or committee, if any, of the [veterans, or if there be no guardian or committee, then to the person with whom the veteran lives] *veteran, or if there be no guardian or committee, then to the person with whom the veteran lives, or, in case of a veteran who is hospitalized in a State, county or Federal institution for mental or nervous diseases, upon order of the Adjutant General, without regards to the residence of the veteran, to the*

"Legal resident of this Commonwealth," defined.

Section 9, as amended by acts of March 20, 1935 (P. L. 4); July 12, 1935 (P. L. 648); July 12, 1935 (P. L. 655); July 12, 1935 (P. L. 697), further amended.

Persons to whom payment to be made in case of death, legal presumption of death or mental incapacity.

person or persons as would be entitled thereto under the provisions of this act if the veteran were deceased, and, in the absence of any such claimant, to the superintendent, manager or person in charge of such State, county or Federal institution, to be expended for the clothing and incidental needs of said veteran: Provided, however, That no part of this compensation shall be paid to any county or State institution for the maintenance of the veteran. A statement from the manager, superintendent or person in charge of any State, county or Federal institution wherein the veteran is a patient, shall be admitted in evidence to determine the mental condition of the veteran. Such statement shall set forth that the veteran, due to his weakness of mind, is liable to dissipate such funds as may be due him under the provisions of this act, and is apt to become the victim of designing persons.

[(b) In the case of death, to the executor or administrator of the veteran's estate, if an executor or administrator was appointed and the estate has not been settled;

(c) In case of death, if the veteran's estate has been settled, or if an executor or administrator was not appointed and is not necessary for the administration of any other property, to the following persons in the order named: Surviving unremarried widow, if such widow was living with the veteran at the time of his death or, if not so living with the veteran at the time of his death, if she establish to the satisfaction of the Adjutant General that the living apart was not due to her wilful act, and that she was actually dependent upon the veteran at the time of his death, or at any time thereafter, and before the fourth day of January, one thousand nine hundred and thirty-four, or surviving minor child or surviving minor children, share and share alike, or surviving mother, or surviving father, or surviving foster mother, or surviving foster father, or, in the event that the person so entitled thereto shall have applied for compensation and subsequently died before payment thereof, to the duly qualified executor or administrator of such deceased claimant.

(d) In the case of a veteran who is hospitalized in a State, county, or Federal institution for mental or nervous diseases, upon order of the court of common pleas of Dauphin County, without regards to the residence of the veteran, to the person or persons as would be entitled thereto under the provisions of this act if the veteran were deceased, and, in the absence of any such claimant, to the superintendent, manager, or person in charge of such State, county, or Federal institution, to be expended for the clothing and incidental needs of said veteran: Provided, however, That, no part of

Payments in
case of mental
patients,
hospitalized.

this compensation shall be paid to any county or State institution for the maintenance of the veteran. All court costs in such proceedings shall be waived. The Attorney General shall designate any attorney, in the employ of the Commonwealth of Pennsylvania, to represent the veteran and render such legal services as are necessary to accomplish the purpose of this section. Any attorney who charges a fee for services rendered in this respect shall be considered to have violated section thirteen of this act. A statement from the manager, superintendent, or person in charge of any State, county, or Federal institution, wherein the veteran is a patient, shall be admitted in evidence to determine the mental condition of the veteran. Such statement shall set forth that the veteran, due to his weakness of mind, is liable to dissipate such funds as may be due him under the provisions of this act, and is apt to become the victim of designing persons. Action may be taken by the court only upon a petition filed by the Adjutant General or a representative of his office; and such petition shall state the amount that is due the veteran, and the person or persons to whom payable under this clause, and, if not denied, such statement shall be accepted without further evidence.

(d) A veteran shall be presumed to be legally dead for the purposes of this act, without proceedings in this Commonwealth, if such veteran shall have been or shall be determined to have been legally dead by the Federal authorities under any Federal act for the payment of adjusted compensation.]

(b) In the case of death to the following persons in the order named: Surviving unremarried widow, if such widow was living with the veteran at the time of his death, or if not so living with the veteran at the time of his death, if she establish, to the satisfaction of the Adjutant General, that the living apart was not due to her wilful act and that she was actually dependent upon the veteran at the time of his death, or at any time thereafter and before the fourth day of January, one thousand nine hundred and thirty-four, or surviving minor child or surviving minor children share and share alike, or surviving mother or surviving father. The terms "mother" and "father" include mothers and fathers through adoption and persons who have, for a period of not less than one year, acted in the capacity of a foster parent to the veteran at any time prior to his or her having attained the age of eighteen (18) years.

To whom payable,
in case of death.

Section 3. This act shall become effective immediately upon final enactment.

When effective.

APPROVED—The 28th day of May, A. D. 1937.

GEORGE H. EARLE