

## No. 25

## AN ACT

To further amend section twenty-five of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand two hundred thirty-seven), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," by providing that in the case of any spouse on active duty in the armed service of the United States in time of war, the affidavit accompanying his or her libel in divorce may be taken within or without the Commonwealth before any officer commissioned in the armed forces of the United States authorized by law to take affidavits and acknowledgments.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Divorce.

Section 1. Section twenty-five of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand two hundred thirty-seven), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," as amended by the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand twenty), is hereby further amended to read as follows:

Act of May 2, 1929, P. L. 1237, section 25, as last amended by act of May 25, 1933, P. L. 1020, further amended.

Section 25. Presentation of Libel; Contents; Affidavit.—Any spouse may have his or her petition or libel in divorce presented to the court of common pleas when in session, or during vacation to a judge thereof at chambers. The petition or libel shall set forth therein, particularly and specifically, the cause of his or her complaint, and shall be accompanied with an affidavit, on oath or affirmation taken before one of the said judges or the prothonotary or clerk of the court of common pleas or any person in any county of the Commonwealth legally authorized to take acknowledgments, that the facts contained in said petition or libel are true to the best of his or her knowledge and belief, and that the said complaint is not made out of levity, or by collusion between the said husband and wife, and for the mere purpose of being freed and separated from each other, but in sincerity and truth for the causes mentioned.

*In the case of any spouse on active duty in the armed service of the United States in time of war, the affidavit accompanying his or her libel in divorce may be taken within or without the Commonwealth before any officer commissioned in the armed forces of the United States authorized by law to take affidavits and acknowledgments.*

In cases where the respondent is a hopeless lunatic, or non compos mentis, the fact of lunacy of the respondent, and such circumstances as may be sufficient to satisfy the mind of the court as to the truth of the allegation, shall be set forth in the petition or libel, and affidavit required by this section shall be taken by the petitioner.

In cases where the libellant is a minor, the libel shall be presented by a relative or next friend, and the affidavit thereto shall be taken by such minor libellant.

The court may allow any libel to be amended so as to include additional grounds or causes for divorce, including such as arose subsequent to the awarding of the subpoena. Notice of any such amendment shall be served on the respondent in such manner as the court may direct in its order allowing the amendment.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 13th day of April, A. D. 1943.

EDWARD MARTIN

No. 26

AN ACT

To further amend the third paragraph of section one thousand four hundred and thirteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the provisions for the education of physically and mentally handicapped children.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Paragraph three of section one thousand four hundred and thirteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as last amended by the act, approved the

Act of May 18, 1911, P. L. 309, section 1413, paragraph 3, as last amended by act of June 24, 1939, P. L. 786, further amended.