

No. 263

AN ACT

Amending the act of May twenty-three, one thousand nine hundred seven (Pamphlet Laws 227), entitled "An act relating to husband and wife, and to enlarge the rights and remedies of married women in case of desertion or non-support by husbands," including desertion of children and extending the right of action.

Husband and wife.

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

Maintenance.

Section 1. Section one, act of May twenty-three, one thousand nine hundred seven (Pamphlet Laws 227), entitled "An act relating to husband and wife, and to enlarge the rights and remedies of married women in case of desertion or non-support by husbands," amended April twenty-seven, one thousand nine hundred nine (Pamphlet Laws 182), is amended to read:

Section 1, act of May 23, 1907, P. L. 227, amended April 27, 1909, P. L. 182, further amended.

Rights and remedies of wife and children.

Section 1. Be it enacted, &c., That if any man shall separate himself from his wife *or children* without reasonable cause, and, being of sufficient ability, shall neglect or refuse to provide suitable maintenance for his said wife [, such wife shall be, and is hereby empowered to bring her] *or children*, action *may be brought*, at law or in equity, against such husband for maintenance *of said wife or children*, in the court of common pleas *of the county where service may be had on the husband as in other actions at law or in equity or in the county where the desertion occurred, or where [she is] the wife or children are domiciled*, and the said court shall have power to entertain a bill in equity in such action, and shall make and enforce such orders and decrees as the equities of the case demand, and in such action, at law or in equity, the husband and wife shall be fully competent witnesses.

Action.

Bill in equity.

Husband and wife competent witnesses.

Section 2. Section two of the act, amended July twenty-one, one thousand nine hundred thirteen (Pamphlet Laws 867), is amended to read:

Sale or mortgage.

Section 2. Whenever any man has heretofore separated, or hereafter shall separate, himself from his wife *or children*, without reasonable cause, or whose whereabouts are unknown, and, being of sufficient ability, has neglected or refused or shall neglect or refuse to provide suitable maintenance for his said wife *or children*, proceedings may be had against any property, real or personal, of said husband, necessary for the suitable maintenance of the said wife *or children*; and the court may direct a seizure and sale, or mortgage, of sufficient of such estate as will provide the necessary funds for such maintenance; and service upon the defendant shall

Service of process.

be made *as in other actions, at law or in equity, or in the manner provided in the act of General Assembly, entitled "An act to authorize the execution of process in certain cases in equity, concerning property within the jurisdiction of the court, and on the defendants not resident or found therein," approved the sixth day of April, one thousand eight hundred and fifty-nine (Pamphlet Laws 387).*

APPROVED—The 15th day of December, A. D. 1955.

GEORGE M. LEADER

No. 264

AN ACT

Amending the act of May one, one thousand nine hundred twenty-nine (Pamphlet Laws 905), 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," authorizing incorporated towns to remove and impound vehicles.

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

Section 1. Subsection (b) of section one thousand one hundred three, act of May one, one thousand nine hundred twenty-nine (Pamphlet Laws 905), known as "The Vehicle Code," amended June twenty-eight, one thousand nine hundred fifty-one (Pamphlet Laws 929), is amended to read:

Section 1103. Powers of Local Authorities.—

* * * * *

(b) Local authorities in cities of the first class, second class, second class A and third class, townships of the first class, *incorporated towns* and boroughs, in their respective jurisdictions, shall have the authority to provide, by ordinance, for the removal and impounding of

The Vehicle Code.

Subsection (b), section 1103, act of May 1, 1929, P. L. 905, amended June 28, 1951, P. L. 929, further amended.