

the necessary expense of prosecuting said suits shall be paid out of the treasury of this commonwealth, and in such suits a copy of the bond or bonds, certified by the treasurer of this commonwealth, shall be competent evidence to maintain the action, as if the bond itself had been procured.

Approved March 24, 1808. Recorded in L. B. No. 11, p. 203.

Note (<sup>4</sup>) For original act, see Chapter 2732; *Supra* this volume, p. 315. For first supplement see Chapter 2786; *Supra* this volume, p. 407. The act in the text is the second supplement.

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## CHAPTER MMCMLII.

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AN ACT TO PROVIDE FOR THE ERECTION OF A HOUSE FOR THE EMPLOYMENT AND SUPPORT OF THE POOR IN THE COUNTY OF CUMBERLAND.

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That a house for the employment and support of the poor shall be erected in the county of Cumberland in the manner and under the conditions hereinafter prescribed and enacted.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the sheriff of Cumberland county in his proclamation, giving notice of the next general election, to be held in said county, shall give notice to the electors at the election aforesaid, under the same regulations as by law said general elections are directed to be held, to elect five reputable citizens of the said county, whose duty it shall be on or before the first day of April next ensuing their election to determine upon and fix the place on which the said buildings shall be erected, and shall certify their proceedings therein, under their hands and seals to the clerk of the court of quarter sessions of the county of Cumberland, to be filed in his office, and also elect three reputable citizens of the said

county in like manner, to be directors of the poor, and of the house of employment, for the county of Cumberland, and the judges of election of the said county on receiving the returns from the several election districts, and having cast up the number of votes therein, shall within three days thereafter, certify under their hands and seals the names of the persons so elected to fix on a proper site for the said building, and the names of the directors so chosen to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said persons and directors of their being elected, and the said directors shall meet at the court house in the said county on the first Monday in November next ensuing their election, and divide themselves by lot into three classes. The place of the first to be vacated at the expiration of the first year; of the second at the expiration of the second year; and of the third at the expiration of the third year; so that those who shall be chosen after the first election, and in the mode above prescribed, may serve for three years. And one third be chosen annually: Provided always, that it shall be lawful for the said five citizens or a majority of them to receive proposals for the sale of lands whereon to erect the said buildings and accommodate the same, and to contract for and hold the same, and take conveyances therefor, in the name of the corporation hereinafter named.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said directors shall forever hereafter in name and in fact be one body politic and corporate in law to all intents and purposes whatsoever relating to the poor of the said county of Cumberland, and shall have perpetual succession, and may sue and be sued, plead and be impleaded by the name, style and title of "The directors of the poor and of the house of employment for the county of Cumberland," and by that name shall and may receive, take and hold any lands, tenements, and hereditaments not exceeding the yearly value of five thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest of

any person or persons whomsoever, to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings thereon for the reception, use and accommodation of the poor of their respective townships; to provide all things necessary for the reception, lodging, maintenance and employment of the said poor; to appoint a treasurer annually, who shall give bond with sufficient surety for the faithful discharge of the duties of his office, and that at the expiration thereof, he will well and truly pay and deliver over to his successor, all monies, bonds, notes, books, accounts and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession; to employ and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons and all other necessary attendants for the said poor respectively; to bind out as apprentices, so that such apprenticeship may expire, if males at or before the age of twenty-one years, if females at or before the age of eighteen, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor; and to exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors shall be empowered to use one common seal in all business relating to the said corporation and the same at their pleasure to alter or renew.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said directors as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary buildings and furnishing the same and maintaining the poor within the said county for one year, whereupon the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax by one fourth part of the sum necessary for the purposes aforesaid, and shall procure on loan on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof to be repaid in installments with interest out

of the county taxes: Provided always, that if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid or such part as may be deemed proper, shall immediately be added to the county tax to be paid by the county treasurer to the treasurer of the corporation aforesaid, on orders drawn in his favor by the county commissioners as the same may be found necessary: And provided further, that the said directors shall annually after the estimate made as aforesaid, make an estimate of the sum necessary for the support of the poor of the said county for the year ensuing, and shall forward the same to the county commissioners, who shall provide by tax or otherwise the sum required by such estimate, and pay same over to the treasurer of the said corporation as aforesaid.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said directors shall, at least once in every year, render an account of all the monies by them received and expended to the auditors appointed to audit, and settle the county accounts subject to the same penalties, rules and regulations as are by law directed respecting the accounts of the county commissioners; and shall also, at least once in every year, lay before the court of quarter sessions and grand jury of the said county, a list of the number, ages and sexes of the persons maintained and employed in the said house of employment or supported or assisted by them elsewhere; and of the children by them bound out to apprenticeships as aforesaid, with the names of the masters or mistresses and their trade, occupation or calling; and shall at all times when thereunto required submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interests and monies payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That as soon as the said buildings shall be erected, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors to the overseers of the several townships of the said county of Cumberland, requiring them forthwith to bring the poor of their respective townships to the said house of employment, which order the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the cost of all future maintenance, except in cases when by sickness or other sufficient cause, any poor person cannot be removed; in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof shall certify the same to the said directors, and at the same time issue an order under his hand and seal to the said overseers, directing them to maintain such poor until such time as he or she shall be in a situation to be removed, then to convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief and of such removal, shall be paid by the said directors at a reasonable allowance: Provided always, that if upon the death of any pauper it shall appear that such person died possessed of property, the same shall be recovered and collected by, and vested in the directors of the institution aforesaid, and be by them applied to the support thereof; and it shall be the duties of the said directors to give public notice in at least two newspapers, one of which shall be published in the borough of Carlisle for at least four weeks, of the death of such person and the property in their hands and to pay over the same, first deducting therefrom all the expenses incurred on account of such person to his or her heirs or legal representatives: Provided, the same shall be claimed within three years after the death of such person.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said directors shall from time to time receive, provide for and employ, according

to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief; or shall have gained a legal settlement in the said county of Cumberland, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Cumberland; or to the overseers, or constable in such counties where there are no overseers, of the proper township in any other county of this commonwealth, and to the said directors of the poor and of the house of employment, of the said county of Cumberland; and the said directors are hereby authorized, when they shall deem it proper and convenient so to do, to permit any poor person or persons to be maintained elsewhere.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain all such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their care or cognizance: Provided, the same be not repugnant to this law or any other of the laws of this state or of the United States: And provided also, that the same shall not have any force or effect until they shall have been submitted to the court of common pleas, for the time being, of the said county of Cumberland, and shall have received the approbation of the said court.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That a committee consisting of at least two of the said directors, shall, and they are hereby enjoined and required to meet at the said house of employment at least once in every month; and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress or cause to be redressed, all grievances which may happen by the neglect or misconduct of all persons in their employment or otherwise.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said directors shall each of them receive for their services twenty dollars per annum, to defray the expenses of their necessary attendance on the duties of their offices.

Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That in case of any vacancy or vacancies, by death, resignation, removal, neglect, refusal, or otherwise, of any of the said directors, a majority of the remaining directors shall fill such vacancy, or vacancies, by appointment of a citizen of their said county, to serve until the next general election, when another director shall be elected to serve for the period which such director was to have served, if no such vacancy had happened.

Section XII. (Section XII, P. L.) And be it further enacted by the authority aforesaid, That all the taxes which shall have been levied for the purpose of maintaining the poor of the several townships of Cumberland county, at the time when the first county poor tax shall be assessed, levied and collected, shall be collected and paid over by the said overseers, to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein.

Section XIII. (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That as soon as the poor of the county of Cumberland shall be removed to the house of employment of the said county, and the outstanding poor taxes collected, the office of overseer of the poor within the said county, shall from thenceforth be abolished.

Section XIV. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That so much of the laws of this commonwealth, relating to the poor, as is by this act altered or supplied, be, and the same is hereby repealed.

Section XV. (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the said county, are hereby authorized and empowered to pay to the persons who are appointed by this act, to fix the place

where the buildings for the accommodation of the poor in said county shall be erected, such sums of money as will be sufficient to reimburse them for their expenses, and also to pay to each of the said directors such sum of money as (together with the annual sum allowed them by this act) may be, in the opinion of the commissioners, a reasonable compensation for their services during the time they are carrying on and erecting the buildings aforesaid: Provided, the said buildings shall be completed within five years from the passing of this act.

Approved March 24, 1808. Recorded in L. B. No. 11, p. 204.

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#### CHAPTER MMCLIII.

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AN ACT TO EXONERATE THE REAL ESTATE OF ADAM NEES, DECEASED, FROM A LIEN WHICH THE COMMONWEALTH IS SUPPOSED TO HAVE ON THE SAME.

Whereas it satisfactorily appears that an action was brought by Anne Henry, treasurer of the county of Lancaster, for the use of the commonwealth, against a certain Joseph Gehr, a delinquent collector of Cocalico township, and that said Gehr was arrested and Adam Nees became his bail; that judgment was obtained against said Gehr; that a *capias ad satisfaciendum* was issued, and said Gehr was arrested and put to prison, whereby the said Adam Nees became exonerated; notwithstanding this, said Adam Nees by mistake or otherwise paid to the treasurer aforesaid, the sum of six hundred and four pounds eleven shillings and nine pence; and that said treasurer on a settlement with the accounting officers of the treasury, had a credit for the balance as an insolvent debt due from said Joseph Gehr, but by some means or other the aforesaid judgment remains on the docket as unsatisfied against the real estate of said Adam Nees deceased. And whereas it is reasonable that the same should be exonerated: Therefore,