

CHAPTER 183.

WIDOWS AND ORPHANS-COUNTY SUPPORT.

AN ACT to provide for the partial support of poor women whose husbands are dead or convicts, or insane, when such women are mothers of children under the age of fourteen years; and declaring an emergency.

Be It Enacted By the People of the State of Oklahoma:

Board of Commissioners Provide Fund.

Section 1. It shall be the duty of the board of county commissioners in making the estimated needs of such county for the fiscal year, to provide an amount not to exceed eight thousand (\$8,000.00) dollars; and it shall be the duty of the county excise board in such county to make a levy for such sum as may be needed, not to exceed the estimate made by the county commissioners for the partial support of indigent women whose husbands are dead or insane, or prisoners in any state institution, when such women are mothers of children under the age of fourteen years, and such mother and children reside in such county.

Allowance.

Section 2. The allowance to each of such women shall not exceed ten dollars (\$10.00) a month when she has but one child under the age of fourteen years, and if she has more than one child under the age of fourteen years, it shall not exceed the sum of ten dollars (\$10.00) a month for the first child and five dollars (\$5.00) a month for each of the other children under the age of fourteen years.

Conditions.

Section 3. Such allowance shall be made by the county court and only upon the following conditions: (1) The child or children for whose benefit the allowance is made must be living with the mother of such child or children; (2) The allowance shall be made only when in the absence of such allowance the mother would be required to work regularly away from her home and children, and when by means of such allowance she will be able to remain at home with her children; (3) The mother must, in the judgment of the county court, be a proper person, morally, physically and mentally, for the bringing up of her children; (4) Such allowance shall, in the judgment of the court, be necessary to save the child or children from neglect; (5) No person shall receive the benefit of this act who shall not have been a resident of the county in which such application is made for at least two years next before the making of such application for such allowance.

Allowance to Children Under Fourteen.

Section 4. Whenever any child shall reach the age of fourteen years any allowance made to the mother of such child for the benefit of such child shall cease. The county court may, at its discretion, at any time before such child reaches the age of fourteen years, discontinue or modify the allowance to any mother and for any child.

Provisions When Fund is Insufficient.

Section 5. Should the fund herein authorized be sufficient to permit an allowance to only a part of the persons coming within the provisions of this law, the county court shall select those cases in most urgent need of such allowance.

Class of Widows Entitled.

Section 6. The provisions of this law shall not apply to any woman whose husband is not dead or who is not confined in the Oklahoma State Penitentiary or other prison in this state, or is in a state institution for the insane in this state, and in the two latter cases it shall not apply unless such prisoner is the lawful husband of the woman seeking such allowance.

Unlawful Procurement-Penalty for Attempt.

Section 7 Any person procuring or attempting to procure any allowance for a person not entitled thereto shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a period of not more than one year, or by both such fine and imprisonment.

Judgments for Allowance-Citizens May Petition Rehearing.

Section 8. In each case where an allowance is made to any woman under the provisions of this act, a judgment entry to that effect shall be entered upon the records of the county court making such allowance, and it shall be the right of any taxpaying citizen at any time to file a motion to set aside such judgment; and on such motion the county court, or the court to whom such motion may be taken on a change of venue, shall hear evidence, either with or without a jury, as either side may demand, and may make a new order granting or refusing such allowance, and from such order so made an appeal shall lie as in ordinary civil cases. If the judgment making such allowance is not appealed from, or is affirmed on appeal, the person filing such motion shall pay all the costs of such motion and the proceedings subsequent thereto. Such motion may be renewed from time to time, but not oftener than once in any calendar year.

Repeal of Conflicting Acts.

Section 9. All acts or parts of acts in conflict with this act are, in so far as they conflict, hereby repealed.
Emergency.

Section 10. It being immediately necessary for the preservation of the public peace, health and safety, and emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Approved April 1, 1915.