

levy and collect tolls on certain county bridges for the purpose of paying off the indebtedness incurred in locating, constructing and purchasing such bridges.

Section 1. Be it enacted, &c., That the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred and seventy-eight), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," is hereby amended by adding, after section seven hundred and eighty, the following section:

The General
County Law.

Tolls on certain
county bridges.

Act of
May 2, 1929
(P. L. 1278),
amended.

Section 781. Collection of Tolls to Pay off Indebtedness in Second Class Counties.—That hereafter in all counties of the second class whenever it is necessary in the location, construction or purchase of any bridge, as provided for under article nine (9) of this act, to issue bonds in payment of same, including the approaches thereto, the damage sustained by the owner or owners of lands or buildings taken in the location, construction or purchase thereof, and including reasonable fees for necessary legal services required in such location, construction or purchase, the county commissioners may, if the cost of such bridge is in excess of one million dollars (\$1,000,000), assess, supervise and collect tolls, for the use of such bridge for all vehicle traffic, as may be necessary to pay the interest on said bonds and to create a sinking fund for the payment and redemption of the same within thirty years from the date of the issue thereof, and to pay also the costs and expenses of operating, maintaining and repairing such bridge between the time of the location, construction or purchase thereof and the date of the redemption of the last of said bonds to be redeemed by such tolls. In no case shall any tolls be collected after the redemption of the original bonds issued.

APPROVED—The 1st day of June, A. D. 1933.

GIFFORD PINCHOT

No. 285

AN ACT

Fixing and regulating the fees, commissions, mileage and other costs chargeable by sheriffs for their official acts and the services of their deputies, watchmen, appraisers and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the counties, including the compensation of special deputies; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account to their counties for certain fees and commissions collected; and repealing inconsistent laws, general, special or local.

Section 1. Be it enacted, &c., That after two months from the passage of this act, the fees and costs, including

Sheriffs' Fee Bill.

commissions and mileage, to be charged and received by sheriffs in this Commonwealth from parties or counties requiring their services shall be as follows:

Receiving,
docketing and
making return of
writs of scire
facias, etc.

(a) For receiving, docketing, and making return thereof, for each writ of scire facias, replevin, retorno habendo, summons, foreign attachment, domestic attachment, attachment execution, subpoena in divorce, distringas, writ of sequestration, writ of assistance, satisfaction of mortgage, injunction, mandamus, quo warranto, bill in equity, rule, decree, order, citation, subpoena, series of interrogatories, proclamation, or official notice of any kind in any civil action, criminal proceeding, or public matter, issued out of any court or required by law or rule of court, one dollar.

Serving
such writs.

For serving any such writ, process or official notice required to be served by the sheriff, personally or by copy served or posted, one dollar and fifty cents and mileage.

For each additional defendant or person served, or copy posted, one dollar and mileage.

For making each copy served or posted, forty cents.

For return of *tarde venit*, fifty cents.

For return of *non est inventus*, fifty cents and mileage.

Provido.

Provided, however, That no charge for service shall be made upon an alias or pluries writ, if the same has been charged upon the original with respect to any defendant already served.

Publication.

For serving the same by publication in one or more newspapers, as required by law or order of court, two dollars and seventy-five cents in each case, in addition to printer's bills.

Serving writs
not herein
provided for.

For serving any writ, official notice, petition, rule, decree, process, or order of court, or copy thereof, not herein specially provided for, he shall charge and receive the same official fees and legal costs, including mileage, as for a writ served in a similar way, as hereinbefore provided, in addition to any fee of the prothonotary chargeable against the sheriff in relation thereto; but no charge shall be made for any affidavit of such service, except the fee of the notary or other official administering the oath or affirmation thereto. For taking an affidavit, one person, fifty cents; two persons, seventy-five cents; three or more, one dollar.

Affidavits.

Executing writs
of *levari facias*,
etc.

(b) For executing writs of *levari facias*, *feri facias*, *venditioni exponas*, or any writ or order issued out of any court, requiring the levy and seizure of lands and tenements or selling the same according to law, the following items to be paid by the plaintiffs or petitioners:

Receiving
and docketing.

For receiving, docketing, and making return thereof, two dollars.

- For serving or posting any copy or notice thereof, the fees and mileage hereinbefore provided. Serving or posting.
- For levying on each separate piece or parcel of land, one dollar and mileage. Levy.
- For advertising to public sale in newspapers, each piece or parcel of land, two dollars and seventy-five cents, in addition to printer's bills. Advertising.
- For advertising to public sale by hand-bills, each piece or parcel of land separately described by metes and bounds, or otherwise, two dollars and seventy-five cents and mileage, in addition to printer's bills.
- For crying the sale of each separate piece or parcel of land separately sold, and each adjourned sale, one dollar. Crying sale.
- In addition, the sheriff shall charge and receive, as an official fee, a commission charge of two cents on every dollar, based upon the total amount bid for the property, whether paid to the sheriff or credited to the purchaser; provided, that the amount of same does not exceed one thousand dollars, in which case one-half cent ($\frac{1}{2}c$) on every dollar in excess of this amount shall be charged in addition. Commission.
- For executing and acknowledging any deed for lands and tenements, three dollars, to be paid by the purchaser when the deed is tendered. Executing and acknowledging deed.
- For registering the same, in any municipality, one dollar, in addition to the fee required by law for registration to be paid by the purchaser. Registering deed.
- In addition, the purchaser shall pay to the sheriff any fee of the prothonotary for the acknowledgment of the sheriff's deed, and the fee of the recorder for recording same, for which the sheriff shall account to them, respectively. Prothonotary and recorder's fees.
- (c) For executing any writ of inquiry, partition, condemnation, appraisalment, inquisition, or any similar writ, issued by any court, alderman, justice of the peace, magistrate or commissioner, under any act of Assembly, the following items to be paid by the party who procured same: Executing writs of inquiry, etc.
- For receiving, docketing, and making return thereof, one dollar. Receiving and docketing.
- For summoning parties or persons in possession, personally or by copy served or posted, for first service, one dollar and fifty cents and mileage. Summoning parties in possession.
- For each additional service, personally or by copy, or posting, one dollar, and mileage.
- For making each copy served or posted, forty cents.
- For summoning and swearing special jurors, four dollars.
- For holding inquisition or appraisalment of real estate, if same be held upon the premises, four dollars and mileage to and from the place where same may be located, in addition to jurors', experts', or surveyors' fees and necessary expenses. Inquisition or appraisalment.

	For other execution of any such writ, four dollars.
Publication.	For serving the same by publication in one or more newspapers, as required by law or order of court, two dollars and seventy-five cents, in addition to printer's bills.
Delivering lands.	For delivering lands to plaintiff in inquisition or similar proceedings, two dollars and seventy-five cents and mileage, and no commission in such case shall be charged.
Executing writs of fieri facias, etc.	(d) For executing fieri facias, domestic attachment, foreign attachment, fraudulent debtor's attachment, retorno habendo, and replevin, or any writ or order issued out of any court requiring the levy or seizure of personal property or selling the same according to law, the following items to be paid by the parties procuring same:
Receiving and docketing.	For receiving, docketing, and making return thereof, two dollars.
Serving copy.	For serving or posting any copy or notice thereof, the fees and mileage hereinbefore provided.
Levy.	For each levy on personal property, one dollar and mileage.
Nulla bona.	For return of nulla bona, fifty cents and mileage.
Clerk hire.	For clerk hire at each sale, whether on one or more writs against the same defendant, two dollars.
Advertising.	For advertising personal property to public sale by hand-bills, two dollars and seventy-five cents and mileage, in addition to printer's bills.
Adjourning sale.	For adjourning any sale, one dollar and mileage.
Commission.	In addition, the sheriff shall charge and receive, as an official fee, a commission of two cents on every dollar, based upon the total amount realized from said sale, whether paid to the sheriff or credited to the purchaser, on account of any writ; provided, that the amount of same does not exceed one thousand dollars, in which case one-half cent ($\frac{1}{2}c$) on every dollar in excess of that amount shall be charged in addition.
Watchman.	For each watchman to take care of property attached, levied upon, or otherwise taken into legal custody, when necessary, or requested by any of the parties interested, five dollars for each period of eight hours, to be considered a day's service, and a proportionate sum for any fraction of such day, to be payable to such watchman, and collectable for his benefit by the sheriff from the party benefited thereby, or person requiring his services, in like manner as other legal costs payable to the sheriff may be collected.
Insurance, etc.	For insurance, arranging goods for sale, heat, light, power, storage, rent, transportation, supplies, feeding livestock, and similar expenses, incurred in caring for and keeping the goods and chattels levied upon or attached, when the same are necessary or advantageous, or when requested by any party interested to incur any such expenses, the actual cost thereof, to be paid by the plaintiff, petitioner, or party requiring same to be in-

curred, provided any surplus of advances for same be refunded.

(e) For the settlement or staying by the plaintiff of any writ embraced in any section of this act, relating to either lands and tenements or personal property, the execution of the same not being concluded, the sheriff shall receive the same fees for receiving, docketing, and returning, levying and advertising, with mileage and such commission as would be chargeable if sale had been made upon said writ for the amount paid to settle or stay the same, whether such sum be paid to him or to the plaintiff, or a compromise be made between plaintiff and defendant for the future payment of any sum to satisfy the same.

Settlement or staying writ.

For receiving and docketing each property claim, wage claim, rent claim, or exemption claim, one dollar, to be paid by the claimant upon filing same with the sheriff or his deputy, in addition to any fee collectable by the prothonotary or clerk of any court for filing any notice, petition, or rule relating thereto.

Receiving and docketing property claim.

For the appraisement of personal property by virtue of any act of Assembly, or at the lawful request of any party, four dollars and mileage: Provided, That in any case where the appraisement of a large quantity of goods or the services of experts shall be required, the sheriff, or any party, may apply by petition to the court, or a judge thereof, having jurisdiction over said matter, setting forth the facts; and said court or judge may make an order fixing the sum to be allowed and paid to the sheriff, for the compensation of the appraisers, as the proper cost of making such appraisement, which sum, so fixed and allowed, shall be taxed as the sheriff's proper legal costs. The plaintiff or petitioner in the proceedings shall pay for the making and filing of any appraisement required, unless otherwise provided by law.

Appraisement of personal property.

For notifying the Auditor General of the proposed sale of the property or the franchises of any corporation or joint-stock association, three dollars.

Notice of sale of corporate property.

(f) For executing venire facias or venire facias jurotores, issued out of any court, the following items, to be paid by the county:

Executing venire facias jurotores.

For receiving, docketing, and making return thereof, on each venire, two dollars.

Receiving and docketing.

For any services of the sheriff in drawing names of jurors from the jury wheel and summoning such jurors, or summoning any jurors drawn by any jury board or commissioner, the sheriff shall be entitled to charge, and receive from the county, one dollar and mileage, and necessary expenses, for each juror drawn.

Drawing or summoning jurors.

(g) For executing writs of habere facias, liberari facias, dower, possessionem, or possessory process, requiring the delivery of possession of real estate, or ejecting or dispossessing any person or persons of their effects, five dollars and mileage, and reasonable costs for help,

Executing writs of habere facias, etc.

when necessary to preserve the peace or safeguard property, in addition to the costs of sale when made, to be paid by the party depositing such writ or demanding possession.

- (h) For executing any process, warrant, capias, attachment, decree, sentence or order of court, issued out of any court, where any person or the defendant's body is taken into custody, to be paid by the county when the Commonwealth is interested, otherwise by the party procuring such process, writ, order or decree, as follows:
- For receiving, docketing, and making return thereof, one dollar.
- For each arrest, one dollar and mileage, in addition to necessary help and expenses, including the compensation of any special deputies required, who shall be paid at the rate of five dollars for eight hours' service.
- For transportation of each prisoner, ten cents per mile, in addition to necessary help and expenses, including the compensation of any special deputies required, who shall be paid at the rate of five dollars for eight hours' service.
- For each commitment to jail, correctional institution, asylum, or place of detention of any juvenile court, in any criminal or civil case, fifty cents, to be paid by the county, unless otherwise provided by law.
- For discharging any person or prisoner from any such place of confinement, in any case, fifty cents, to be paid by the county.
- For executing bail-piece or taking bond in any matter, whether civil or criminal, one dollar, to be paid by the person benefited, unless otherwise provided by law.
- In addition, the sheriff shall receive for the indictment, in eachoyer and terminer case, the sum of three dollars; and in each quarter sessions court, or other county court case, the sum of one dollar and fifty cents, to be paid by the county.
- For each bill ignored by the grand jury, one dollar and fifty cents, to be paid by the county.
- For each case acted upon by any juvenile court, one dollar and fifty cents, to be paid by the county.
- For each non-support or desertion case acted upon by any court, the sum of one dollar and fifty cents, to be paid by the county.
- (i) In counties where the sheriff shall be in charge of any jail or prison or place of detention, he shall be entitled to receive such allowance for the custody, care and maintenance of prisoners and inmates as may be fixed by the courts or official boards of the respective counties having supervision of such institutions, or as said courts or boards may approve, upon itemized bills rendered from time to time, to be paid by such counties, in addition to any compensation for his services fixed by law or by any court or official board authorized to fix such compensation.

Executing process where defendant's body is taken into custody.

Receiving and docketing.

Arrests.

Compensation of special deputies.

Transportation of prisoner.

Commitment.

Discharging prisoner.

Bail-piece or bond.

Indictments.

Ignored bill.

Juvenile court case.

Non-support case.

Allowance for custody and maintenance of prisoners.

For removing an insane or weak minded or defective person to any institution for the confinement of any such persons, or any person to the penitentiary, workhouse, Huntingdon Reformatory, or to any charitable institution or any hospital, school, or home where persons are confined or detained or supported, under any commitment, sentence or order of any court, two dollars and fifty cents on each commitment or order, in addition to mileage and necessary expenses, including the compensation of any special deputies required, who shall be paid at the rate of five dollars for eight hours' service, to be paid by the county unless some other governmental body is chargeable therewith by law: Provided, however, That the mileage for the person in custody, under commitment or order, shall be based upon the miles actually traveled to his or her destination.

Removing insane and committed persons.

Compensation of special deputy.

Proviso.

(j) For attending court, when required to do so by law or by any judge or district attorney, or bringing into and removing therefrom prisoners for arraignment, trial or sentence, or witnesses held in custody, the sum of five dollars per day for the sheriff, and a like sum for each deputy, for each day of oyer and terminer court, quarter sessions court, juvenile court, or county court, including the Municipal Court of Philadelphia and the County Court of Allegheny County, when the sheriff or deputy is actually present, to be paid by the county.

Attending court, etc.

(k) For levying or paying out fines, three cents per dollar, to be paid by the party or person receiving the fine.

Levying or paying out fines.

For issuing and recording any license, one dollar, in addition to the license fee payable to the county or Commonwealth, to be paid by the licensee.

Issuing license.

For advertising general or special elections in newspapers, two dollars and seventy-five cents, in addition to printer's bills, to be paid by the county.

Advertising elections.

For advertising general or special elections by hand-bills, for each polling-place, two dollars and seventy-five cents and mileage, in addition to printer's bills, to be paid by the county.

For serving notice on the judge of each election district in special elections, seventy-five cents and mileage, to be paid by the county.

Serving notice on judge of election.

(l) For services performed in his capacity as a conservator of the peace or police officer, in suppressing riots, mobs or insurrections, and when discharging any duty requiring the summoning of a posse comitatus or special deputy sheriffs, the sheriff shall receive a per diem compensation at the rate of five dollars for eight hours' service, together with the mileage and necessary expenses, including subsistence for himself and those under him, to be paid by the county.

Services as conservator of the peace, etc.

For each special deputy appointed by any sheriff, in case of any emergency, to assist him in executing any civil or criminal process or court order, or preserving

Special deputies.

the peace, such sheriff may charge and shall receive from the county compensation for such deputy, at the rate of five dollars for eight hours' service, in addition to the expenses incurred for the transportation and subsistence of such deputy while rendering such service.

Mileage.

(m) For mileage in serving or executing any of the writs, official notices, rules, decrees, orders or processes, or copies thereof, or performing any of the duties or services herein specified or authorized by law, the sheriff shall be entitled to charge and receive, and may tax as official costs, ten cents a mile circular for each mile necessary to be traveled by him or any of his deputies or employes, and the same shall be allowed upon each separate writ, rule, order, decree, process or notice served, or service performed: Provided, That he shall not receive more than one mileage where the plaintiff and defendant in two or more contemporaneous writs are the same, or when conducting two or more persons or prisoners at one time to or from a place of detention or correction, but he shall also receive the aforesaid mileage for transporting such prisoners and his deputies guarding them, and meals and lodging during the journey and the return of his deputies.

Proviso.

Services not herein mentioned.

(n) For the executing of any matter directed to the sheriff, or required by law or rule of court, the performance of which is not herein mentioned, the sheriff shall receive the same official fees, commissions and legal costs, including mileage, as for similar service herein specially provided for.

Services in connection with Municipal or County Court.

(o) In all cases or proceedings of which either the Municipal Court of Philadelphia County or the County Court of Allegheny County shall have jurisdiction, the sheriff shall receive the same fees, commissions and costs, including mileage, for official services in connection therewith as for similar services in like proceedings in other courts of the commonwealth.

Fees and commissions to belong to county where sheriff is salaried.

Section II. In all the counties wherein the sheriff is or shall be compensated by a salary, all fees and commissions which he shall be required or entitled to charge or receive for official acts or services shall belong to the county, except such taxes, fines and fees as are levied or collected for the Commonwealth or for the Federal Government, and he shall not retain for his own use any such fees or commissions, but shall be entitled to all mileage and other allowances for costs and expenses chargeable by him, including the compensation of special deputies.

Mileage and other allowances.

Services rendered to county.

However, no county whose sheriff is salaried shall be required to pay him any fee or commission for services rendered to it by him, or his regular deputies or clerks, to which the county would be entitled if same shall be credited on his fee account as if same had been paid to him and accounted for by him; and such a sheriff shall be entitled to deduct from any fees or commissions col-

Deductions.

lected by him and due the county any overdue items for his salary or the compensation of his deputies, clerks, or other agents, or for mileage or other allowances aforesaid, or for any other charges against the county except fees or commissions earned by him or them to which the county is entitled as aforesaid, provided he shall furnish the county treasurer of the county with itemized statements of such deductions, which shall be subject to audit, exception and correction in like manner as his fee accounts and claims against the county as now or hereafter provided by law. For such purpose, he shall file duplicates of such statements with the controller or county auditors of the county with the monthly transcripts of his fee account, which shall be subject to the inspection of the county commissioners or any taxpayer of the county.

Itemized
statements.
Audit.

Section III. All official fees, commissions and legal costs, including mileage, which are or shall be chargeable by the sheriff, shall be payable upon demand unless otherwise provided herein. No sheriff shall be required to render any service in any civil proceeding until he receives indemnity satisfactory to him for the payment of his official fees, mileage, expenses and legal costs or prepayment of same from the party at whose instance or for whose benefit such service is to be performed, but any money advanced for his charges and not earned or expended shall be refunded to the payer thereof. Any sheriff, without obtaining any extension of time for the return of any civil writ, notice, decree, order or process, may refuse to make return thereof until he shall receive all unpaid fees, commissions, mileage, expenses and legal costs, relating thereto, from the party for whose benefit the same was granted or issued, unless his charges are to be paid by the Commonwealth or any county thereof, or he is ruled to make a return. In case he does not receive his charges in advance or upon demand, he may file with his return in any proceeding an itemized list of unpaid fees, commissions, mileage, costs and expenses respecting the service to which such return relates, and, if no exceptions are filed to the same within thirty days from the time of making such return, the items included in such list shall be considered taxed and confirmed as fees, commissions, mileage and costs due such sheriff, and become a judgment in law; and the said sheriff may issue an execution for the amount so taxed, and collect the same from any party chargeable therewith without further suit, and shall not be disqualified to enforce such execution by reason of his interest therein: Provided, That such taxation may be reviewed and execution controlled by any court having jurisdiction if sufficient cause be shown by any person aggrieved. Nothing herein contained shall be deemed to impair the power of any court in any criminal proceeding to enforce the payment by any prosecutor or defendant of any fees, commissions

Fees and costs
payable on
demand.

Procedure to
collect unpaid
charges.

Proviso.

Fees and costs
in criminal
proceedings.

and costs, including mileage, chargeable by the sheriff or payable to him by the county in connection therewith, in any manner now or hereafter provided by law.

Table of fees and posting thereof.

Section IV. The several sheriffs of this Commonwealth shall, and are hereby required to, make fair tables of their respective fees and commissions, according to this act, and to publish and keep a copy of the same in some conspicuous place in their offices at all times after this act becomes effective.

Bill of particulars and receipt.

Section V. It shall be the duty of every sheriff, his deputy or agent, if demand for that purpose shall be made, immediately after receiving any of his official fees, commissions and legal costs, including mileage, to deliver a bill of particulars, specifying the several items contained therein and the amount thereof, to the party paying said fees, et cetera, and to give a receipt therefor, or to endorse on any written security, when taken, that the same was given for fees, commissions and legal costs, including mileage, and to sign the endorsement so made.

Sheriff relieved from liability for loss to property if expenses are not paid.

Section VI. The sheriff shall be relieved from any liability for the loss, destruction, removal or damage to any goods or chattels, or any injury to any real estate, levied upon, seized or taken into possession by virtue of any writ, attachment, order, decree, distraint or sequestration, if the person or party lodging the same with him shall refuse to advance or secure the reasonable fees, mileage, charges and expenses incident to the seizure, safe keeping and proper protection of such property, upon demand.

Intent of act.

Section VII. This act is intended as an entire and complete fee bill for sheriffs in all counties of this Commonwealth; and any and all other acts, general, special or local, or any parts thereof, that are inconsistent herewith are hereby repealed, without intending to revive any acts or parts of acts repealed thereby.

Repeal.

APPROVED—The 1st day of June, A. D. 1933.

GIFFORD PINCHOT

No. 286

A SUPPLEMENT

To an act, approved May sixth, one thousand nine hundred and thirty-one (Pamphlet Laws, ninety-nine), entitled "An act to amend section seven of the act, approved the fifth day of March, one thousand seven hundred and ninety-one (three Smith's Laws, six), entitled 'An act to enable the Governor to appoint Notaries Public, and for other purposes therein mentioned,' prescribing the form of notary seal," by providing that the presence of the arms of this Commonwealth on the seal of a notary public reappointed after the effective date of the act to which this is a supplement, and prior to the effective date of this act, shall not invalidate said seal, or the notarial acts, instruments or attestations authenticated by such seal.

Notary seal bearing arms of Commonwealth.

Section 1. Be it enacted, &c., That the seal of any notary public reappointed after the effective date of the