

No. 228

AN ACT

To further amend the act, approved the fifth day of May, one thousand nine hundred eleven (Pamphlet Laws 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by conferring upon said court certain jurisdiction in the trial of criminal causes and suits for penalties; granting powers to said court for trial of such causes and suits; conferring powers and imposing duties on the clerk of courts of Allegheny County; and providing for the disposition of fees, the appointment of officers and employes, and for jurors.

Courts.

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

Section 5, act of May 5, 1911, P. L. 198, as amended by act of May 14, 1915, P. L. 505, and as repealed in part by act of July 5, 1947, P. L. 1308, further amended.

Section 1. Section 5 of the act, approved the fifth day of May, one thousand nine hundred eleven (Pamphlet Laws 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," as amended by the act, approved the fourteenth day of May, one thousand nine hundred fifteen (Pamphlet Laws 505), and as repealed in part by the act, approved the fifth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1308), is hereby further amended to read as follows:

Prothonotary and clerk of courts of Allegheny County made clerks of county court of Allegheny County.

Section 5. (a) The prothonotary *and the clerk of courts* of Allegheny County shall be the [clerk] *clerks* of the court hereby created, and *each* shall assume and perform all of the duties of [clerk] *clerks* thereof *to the same extent and in the same manner as is now required for the court of common pleas and the court of oyer and terminer and quarter sessions of the county, respectively, or as directed by the judges of the court.* At each place designated for the holding of said court there shall be established an office, in charge of a clerk, or clerks, appointed by the prothonotary *or the clerk of courts*, with the approval of the majority of the judges of said court, who shall have the custody of the seal to be kept in such place, as well as of the docket of the court and of all papers pertaining to the *particular* business of the court at such place. The number [, duties,] and compensation of said clerks to be fixed by [a majority of the judges of said court] *the salary board of Allegheny County*, and such compensation to be paid out of the treasury of Allegheny County, in the manner in which other county expenses are now paid by law. All other necessary assistants shall be appointed

by a majority of the judges of said court, and their number [, duties,] and compensation shall be fixed by [a majority of the judges of said court] *the salary board of Allegheny County*, and their compensation shall be paid out of the treasury of Allegheny County, in the manner in which other county expenses are now paid by law. *The duties of all clerks and assistants shall be prescribed by a majority of the judges of said court.*

Disposition
of fees.

(b) *All fees received by the prothonotary and the *clerk of courts from the business of the county court may, as in the case of other fees received by them, be applied to the payment of the salaries of said officers, respectively, their clerks and assistants, and any other expenses in connection with the discharge of their duties.*

All fees or other sums received by any clerk or employe of said court shall be paid into the treasury of Allegheny County.

(c) *The board of judges of said county court may appoint such tipstaves and officers or employes as are reasonably necessary to perform the duties usually pertinent to such officers in and about the court rooms or elsewhere. Their number and compensation shall be determined from time to time by the salary board of Allegheny County.*

Appointment
of tipstaves,
officers and
employes.

The court shall appoint such official stenographers as shall be necessary. Said stenographers shall be appointed and discharge their duties and be paid compensation as provided by law.

Section 2. Section 6 of said act, as amended by the act, approved the second day of April, one thousand nine hundred thirteen (Pamphlet Laws 21), and as amended in part by the acts, approved the twenty-fourth day of April, one thousand nine hundred thirty-five (Pamphlet Laws 51), the twenty-eighth day of July, one thousand nine hundred forty-one (Pamphlet Laws 515), the tenth day of April, one thousand nine hundred forty-five (Pamphlet Laws 183), and the tenth day of April, one thousand nine hundred forty-five (Pamphlet Laws 184), is hereby further amended to read as follows:

Section 6, said
act, as amended
by act of April
2, 1913, P. L. 21,
and as amended
in part by acts
of April 24,
1935, P. L. 51,
July 28, 1941,
P. L. 515, April
10, 1945, P. L.
183, and April
10, 1945, P. L.
184, further
amended.

Section 6. The court hereby created shall have jurisdiction:

Jurisdiction of
the court.

(a) In all civil actions wherein only a money judgment is sought to be recovered, and in all actions of replevin in which the sum demanded or the value of the property replevied does not exceed twenty-five hundred dollars, except in cases where the title to lands or tenements may come in question.

(b) In all proceedings brought against any husband or father, wherein it is charged that he has without reasonable cause separated himself from his wife or

* "clerks" in original.

children, or from both, or has neglected to maintain his wife or children; and in all proceedings where any child of full age has neglected or shall neglect to maintain his or her parents, not able to work or of sufficient ability to maintain themselves. The court shall have authority to issue writs of habeas corpus in all proceedings provided for in this clause.

(c) In all cases of appeals from summary convictions, and from judgments in suits for a penalty before a magistrate or court not of record, as provided by law.

(d) The jurisdiction hereby conferred in clauses (b) and (c) shall be exclusive.

(e) In cases where money has been paid into court, or the court acquires control over specific personal property, and conflicting claims arise thereto, the court may add to the record parties interested by voluntary intervention or by service of process, and may cause the necessary parties to interplead, for the purpose of determining their respective rights, and the money or property in question shall thereupon be paid or delivered over to the person found to be entitled thereto. The parties shall file such statements of their respective claims as may be necessary to define the issue as the court may, by rule or otherwise, prescribe. The court shall have power to require the parties to such interpleader to stay proceedings in this or other courts until such interpleader is finally determined. The court shall have power to order such sale or disposition of property or money within its control as may seem proper, either pending such interpleader or after its determination.

(f) In all such civil actions as may be transferred to it by order of the Court of Common Pleas of Allegheny County, upon consent of counsel for all parties, where the sum demanded or the value of the property replevied does not exceed the sum of twenty-five hundred dollars, except in cases where the title to lands or tenements may come in question.

(g) In all cases involving the support of a child born out of wedlock, where the father admits parentage, and where he is willing to support the child.

(h) In all complaints, informations, proceedings, and in all criminal suits, indictments and actions, except that it shall not have jurisdiction in the trial of indictments for arson, burglary, murder, voluntary manslaughter, treason or misprision of treason, or for violation or conspiracy to violate the election or registration laws of this Commonwealth, or for embezzlement by any public officer, or any offense involving breach of official duties by any public officer. Nothing contained in this paragraph shall be construed to deprive the court of exclusive jurisdiction in any case where such jurisdiction is granted by this section.

The judges of said county court shall be ex officio justices of the peace. When defendants are bound over for trial in any case, indictments may be presented against them before the grand jury in accordance with existing laws, which indictments may be tried either in existing courts or in the county court, as the case may be.

All cases of desertion and nonsupport instituted in the court of quarter sessions, pursuant to authority of the existing law, which are pending and undisposed of in said court at the time this amendment takes effect, together with all orders, decrees, judgments or sentences, are hereby transferred to the county court. The said county court is hereby authorized to hear, determine and dispose of the cases hereby transferred, and shall have full power and authority to enforce any and all orders, decrees, judgments or sentences heretofore entered or imposed in such cases by the court of quarter sessions, with the same power and effect as if such cases had been originally instituted in the county court.

Section 3. Section 8 of said act, as last amended by the act, approved the twentieth day of June, one thousand nine hundred nineteen (Pamphlet Laws 535), is hereby further amended to read as follows:

Section 8, said act, as last amended by act of June 20, 1919, P. L. 535, further amended.

Section 8. (a) In any case brought in this court in which the parties are entitled by the Constitution and laws of this Commonwealth to a trial by jury, the plaintiff, if he desires a trial by a jury, shall, at the time of filing his statement, *indorse thereon, or file separately, a written demand for a jury trial, in substantially the words, "Jury trial demanded," signed by himself or his counsel, and, if no such demand is made by the plaintiff, but a trial by jury is desired by the defendant, he shall in like form, at the time of filing his answer, demand a trial by jury (except a municipality, not being required to file an answer, shall, when defendant, make its demand at least three days exclusive of Sundays before the time fixed for the hearing by the writ). If neither party shall make a demand in writing for a trial by jury, he shall be deemed to have waived his right to trial by jury, and the court shall proceed to try the case without a jury. The party making demand for trial by jury may withdraw the same with the written consent of the other side, filed in the case, and the parties shall be deemed to have waived their right to trial by jury, and the court or any judge thereof may proceed to try the case without a jury the same **as if the demand had never been made.

Jury trials.

* "endorse" in original.

** "as" omitted in original.

Trials without
a jury.

(b) Cases tried by the court without a jury shall be tried under such rules of procedure as the court shall prescribe: Provided, That at the trial in the county court of cases before a judge, without a jury, either party may present to the trial judge such requests for findings of law or fact as he may desire, which requests shall be answered by the trial judge; to which answer either party may, within the time prescribed by the court, except; and thereupon such requests for findings and the answers of the court thereto shall become part of the record. The testimony shall be taken stenographically at the expense of the county, and transcribed at the expense of the party desiring such transcript, or at the expense of the county, if the court so orders; and such testimony, when transcribed and certified by the trial judge, shall also become part of the record.

Trial list.

(c) When a jury trial is demanded by either party, the court shall direct trial by jury in the manner now provided by law, [the jurors to be summoned and paid as they are for the courts of common pleas of said county: Provided further, That when a jury trial is demanded the court] *and shall make a separate list of such cases, from time to time, as are put at issue and proceed to the trial and determination of said cases at the county-seat. It shall be the duty of the proper officers of Allegheny County to provide such jurors for service in the county court as may from time to time be requested by order of the president judge or as may be fixed by general order of the president judge. Jurors shall be summoned as provided by law and shall receive the same compensation and be subject to the same duties and liabilities as jurors summoned to serve in the courts of common pleas of said county.*

Said act
amended by add-
ing, after sec-
tion 14 thereof,
a new section
14.1.

Criminal cases.

Section 4. Said act is hereby amended by adding, after section 14 thereof, a new section to read as follows:

Section 14.1. It shall be the duty of the presiding judge of said court to assign sufficient judges to the trial of criminal cases so that all cases exclusively triable in the said court in which prosecutions may be begun therein or which may be brought therein for trial by the district attorney shall be tried and disposed of as soon as possible after indictment found.

Duties of district
attorney in
certain cases.

It shall be the duty of the district attorney of said county to prosecute all cases in which prosecutions have been begun in the county court, or which have been returned to court by aldermen or justices of the peace for trial and which are exclusively triable in the county court or which the district attorney elects to try in said court. Fees and costs shall be allowed and imposed by said court in criminal cases, as fixed by law,

in cases arising in the courts of oyer and terminer and quarter sessions of the peace in Allegheny County. The provisions of this paragraph as to the duty of the district attorney to prosecute cases shall not be mandatory in desertion and nonsupport cases.

In desertion and nonsupport cases there shall be no preliminary hearings, but the person accused shall be immediately brought before the court for trial. When such person is held in jail for inability to furnish bond for appearance and when such person has been released on bond or on his own recognizance by order of the court, trial shall be had as soon as possible under the prevailing law and rules of court.

Desertion and nonsupport cases.

Except as modified by this act or by its own rules duly adopted by a majority of the judges, the practice and procedure shall be the same in the county court, in all matters of which it has jurisdiction, as in similar matters prosecuted and determined in courts of oyer and terminer and quarter sessions of the peace of the county of Allegheny.

Practice and procedure.

Section 5. Section 15 of said act is hereby amended to read as follows:

Section 15, said act, amended.

Section 15. The said court shall have power to establish rules for the conduct of business of the court, and from time to time alter and change the same; but no rule shall require the parties to file written pleadings other than as required by the provisions of this act. *Subject to the provisions of this act, the court shall have all the powers of a court of quarter sessions of the peace and oyer and terminer in the county of Allegheny, including the power to issue writs of habeas corpus.* Any clerk of said court shall be empowered to administer oaths or affirmations.

Rules of court.

Section 6. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 19th day of July, A. D. 1951.

JOHN S. FINE

No. 229

AN ACT

To further amend sections 614 and 615 of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by increasing the penalty provisions and providing for fines and imprisonment.

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

"The Penal Code."