

AN ACT

Establishing and regulating the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth in counties of the second class and repealing certain acts.

Counties of second class.

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

Prothonotary fees.

Section 1. The fees to be received by the prothonotary of the courts of common pleas of this Commonwealth, in counties of the second class, shall be as follows:

Appeals.

All appeals to the court of common pleas from alderman, justices of the peace, administrative boards, agencies, commissions, authorities or other entries which are filed with the prothonotary	\$5.50
All appeals from the court of common pleas to the Supreme or Superior Court	\$10.00
Supplemental appeals to the Supreme or Superior Court	\$5.00
Any and all other appeals which are filed with or are to be heard by the court of common pleas not specifically set forth above, including the filing and docketing of same	\$5.50

Appointments.

Filing the application for the appointment of a Deputy Sheriff to be paid by the county	\$1.75
Appointment—Board of Managers of Allegheny County Industrial School, Commission to Adjust Indebtedness, Fire Marshal for Allegheny County, Highway Mining Commission, Board of Viewers, Mine Inspector, School Auditor, School Director, Sequestrator and Special Policemen	\$2.50
Viewers	\$9.50
Guardian	\$5.75

Arbitrators.

Entering of Rule to Choose	\$.50
Entering of Praecepto to Appoint	\$2.00
Entering of Rule to Refer	\$.50
Appointment of Arbitrators, not per arbitrator	\$5.00

Assignments.

Noting, docketing, indexing and filing of any assignments	\$2.75
Every assignee in excess of two (2), 25¢ per name.	

Attachments.

Motion for contempt and citation	\$1.25
Attachment of defaulting juror, witness	\$.50
Ancillary Foreign Attachment	\$5.25

Attorney.

Entry of motion and order of court for admission of attorney at law, filing and docketing of same to be paid by the county	\$3.00
Noting petition and filing disbarment to be paid by *county	\$3.00

Bail.

Cash Bond in lieu of Surety:

1% on first \$1000.00;
½% on the next \$1000.00;
¼% on any additional.

Bonds.

Filing and docketing all bonds approved and/or ordered filed by order of court	\$3.00
Filing, docketing bonds that are approved by the Prothonotary	\$3.00
Filing, docketing and indexing all bonds in condemnation and eminent domain cases, per each individual parcel or tract of land covered	\$3.00
For every name indexed in excess of two, 25¢ per name.	
Case stated	\$5.75

Certifications.

Certificate of appointment, per individual appointment	\$1.00
Certificate of liens for each name for each five years, or fraction thereof	\$3.00
and 50¢ for each lien unsatisfied.	
Certificate of no liens, for each name for each five years, or fraction thereof	\$3.00
and 50¢ for each lien satisfied.	
Certificate of no suits filed, for each name for each five years, or fraction thereof	\$3.00
Certificate of Notary Public	\$1.50
Certifications of satisfaction, settlements or discontinuances	\$2.00

Certified Copies.

Docket entries	
Standard form, first page	\$2.00
Each additional page, or fraction thereof..	\$1.00
Each seal	\$.50
Exemplification of Record, first page	\$2.00
Each additional page, or fraction thereof..	\$1.00
Each seal	\$.50

* "Court" in original.

LAWS OF PENNSYLVANIA,

Orders of court, first page	\$2.00
Each page or fraction thereof	\$1.00
Each seal	\$.50

Certiorari.

Alderman, justice of peace, magistrates	\$5.00
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Certiorari In Appeal.

Milk Control Commission	\$5.75
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Charters.

Charter, or amendment to charter	\$10.00
plus \$1.00 for certified record sent to Harrisburg.	

Commitments.

Preparing and executing all Commitments as provided by order of court	\$1.50
To be paid by county if so ordered by court.	

Commencement of Actions.

Commencement of the hereinafter enumerated civil actions by either complaint, praecipe or agreement, including the issuance of summons or notice, docketing and filing same and noting the return of service	\$5.25
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Habeas Corpus (to be paid by county if ordered by Court)

- Assumpsit
- Trespass
- Ejectment
- Quiet Title
- Replevin
- Quo Warranto
- Divorce or Annulment
- Mortgage Foreclosure
- Ground Rents
- Foreign Attachment
- Fraudulent Debtors Attachment
- Mandamus

Commencement of the hereinafter enumerated actions by either complaint, praecipe or agreement, including the issuance of summons or notice of suit and noting the return of service	\$5.25
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- Equity
- Partition of Real Property
- Action to Prevent Waste

Commissions.

Costs and fees collected by office, 5% on total amount collected.

Deeds.

Acknowledgment of sheriff's deed and all docket entries	\$1.00
Treasurers deeds and all docket entries	\$2.50

Equity Docket Fees.

All other docket entries before filing of pleas or entering of judgment for each docket page, or fraction thereof, used \$3.00

Election—Petition.

Filing and docketing all petition, motions and orders relating or pertaining to the conduct of elections \$3.00

Executions.

Filing a praecipe for and the issuance of a Writ of Execution, including the noting of Sheriff's Return \$6.50

If Writ of Execution includes Attachment, additional \$3.00

Filing a praecipe for and issuance of a writ of possession \$6.50

Filing a praecipe for and a re-issuance and/or substitution of any of the aforementioned writs. \$2.50

All other writs of execution not herein specifically provided for \$6.50

Exemplifications.

Exemplified Record from another county \$3.75

Exemplified Record from another state under triplicate seal \$3.75

Exemplification of judgment for other county.. \$4.50

Fictitious or Assumed Name.

Filing and docketing application for individual Fictitious Name and Proofs of Publication \$5.25

Corporate Fictitious Name

Filing and docketing application for Corporate Fictitious Name \$10.00

Financial Statements.

Filing and noting financial statements of surety companies \$1.75

Filing accounts of masters, referees, receivers and trustees, fees to be charged for this shall be the same as the fee of the clerk of orphans' court of the same county.

Funds on Deposit.

Receiving and distributing money paid into court:

1% on first \$1000.00;

½ of 1% on the next \$1000.00;

¼ of 1% on any additional with a minimum fee of \$2.00.

Indexing.

Indexing sheriff's certificate of attachment upon real estate \$.25

Indexing ejectment, lis pendens, change of name, feme sole trader; and, in charter book \$.25

Indexing in ad sectum index, each name	\$.25
Indexing in Federal lien index, each name	\$.25
Indexing in judgment index any lien or judgment, foreign attachment or assignment of judgment or order marking a judgment to use, each name	\$.25
Indexing in locality index, each property	\$.25
Indexing in miscellaneous index, each name or each property	\$.25
Indexing satisfaction of judgment, each name.	\$.25
Indexing satisfaction or discharge or release of a Federal lien, each name	\$.25

Issue.

Framing an issue	\$2.00
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Judges.

Detailment of—entering and filing order of court for the detailment of judges to be paid by the county, each	\$2.00
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Judgments.

Entering judgment for want of appearance or answer, or on verdict or findings, or preliminary objections, motion or demurrer, or by default, non pros, or by confession or agreement	\$5.00
Entry of judgment upon certification or exemplification in Orphans' Court, County Court, Juvenile Court, Quarter Sessions, and Oyer and Terminer, General Jail Delivery, Aldermen and Justices of the Peace	\$5.00
Entry of judgment upon certification or exemplification from any *administrative board, agency, commission or tribunal	\$5.00
Entry of decree nisi	\$2.00
Filing and docketing all orders, \$2.00 per first page; \$1.00 for every page thereafter.	
Entry of final decree in equity upon praecepe..	\$2.00
Filing and docketing divorce decrees, exclusive of charge for certificate to Commonwealth	\$5.00
All subsequent decrees	\$2.00
Entry of power of attorney for the satisfaction of a judgment, decree or order	\$2.50
Where more than one judgment note is entered as a single judgment, for each additional note ..	\$1.50

Jail.

Jail or workhouse release—preparation and issuance of a jail or workhouse release	\$1.50
To be paid by the county if so provided by court order.	

* "administration" in original.

Justice of the Peace

Aldermen.

Filing bond and oath to be paid by the county.	\$3.00
Reporting and certifying the election of, to the Secretary of the Commonwealth, to be paid by the County	\$2.00
Lis Pendens	\$2.00

Lists.

Preparing files and records for cases on pre-trial argument list and trial list, each case (to be paid by the county)	\$.50
Preparing pre-trial or argument or trial list, each case (to be paid by the county)	\$.50

Oaths of Office.

Administering and filing oaths of all county employes, including deputy and clerks, to be paid by the county	\$1.75
Administering other oaths which are not required to be filed of record	\$1.00

Orphans' Court.

Entering precept or other proceeding from the Orphans' Court	\$4.00
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Notary Public.

Certificate of notarial commission	\$1.50
Registration of commission of notary public and signature	\$.50

Partition.

Issuing and docketing order of sale in partition	\$4.00
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Partnerships.

Filing and docketing partnership papers	\$1.00
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Peddlers License.

Filing War Veterans	\$2.00
to be paid by the county.	

Petitions and Motions.

Filing and docketing all petitions and motions by which a civil action is commenced, including the issuance of a rule, writ or notice, and noting the return of service thereof	\$5.25
Filing and docketing all other petitions and motions not requiring the issuance of a rule, writ or notice but requiring a court term and number	\$2.00
All petitions for the approval of surety bonds or insurance companies	\$4.75

LAWS OF PENNSYLVANIA,

Pleadings.

Filing appearances or answer or motion or preliminary objection or proof of service or publication or rule for answer or bill of particulars or other pleading or petition after entry of complaint, petition, suit or action, at law or in equity, or other original writ otherwise than herein specifically provided for	\$.25
Filing amendment of title record or pleading. .	\$.50
Suggesting death or a party diminution of record or amending record, each	\$.50

Power of Attorney

Letters.

Filing a revocation of a letter or power of attorney, per name	\$1.75
Filing a letter or power of attorney, per name.	\$2.50

Receipt.

Receipt for filing any paper or document.	\$1.00
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Recording.

Filing any paper or document required by law to be recorded, each full page or fraction thereof.	\$4.00
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Releases.

Filing and docketing release of lien, judgment, or encumbrances, per description by reference to lot or plot or plan number, per lot or plan	\$1.50
Filing and docketing release of lien, judgment, or encumbrances; if described by metes and bounds, per tract	\$1.50
Anything over fifteen (15) lines, for each additional line	\$.10

Reissuance and Reinstatement.

Reinstatement of a complaint	\$1.25
Reissuance of an original writ	\$1.25

Registration.

Registration of student at law, physician, veterinarian or dentist	\$2.50
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Remittiturs.

Entering of a Remittitur	\$2.00
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Reports.

Filing and entering of auditor's report	\$2.00
Submitting report to county commissioners of judgments lodged; satisfactions and assignments of judgments	\$.50
per each judgment lodged, satisfied or assigned	
Prothonotary's Court Fund Report, to be paid by the County	\$4.00

Rules.

Issuance of rule by order of court, filing and docketing same, including return of service . . .	\$4.25
Issuance of rule by the prothonotary as of course, including noting of return of service	\$2.50

Searches.

Every certified judgment or lien search for a period of five years or less, one name	\$3.50
Every certified locality search for each period of five years or less, each property	\$3.50
Every other certified search of five years or less	\$3.50
For an additional five year period, or period thereof	\$3.50

Subpoena.

Issuing a subpoena	\$1.00
Producing a record under subpoena within the county buildings, per day or fraction thereof ..	\$9.00

Service.

Service of notice of decrees, judgments or orders and making returns	\$2.00
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Stipulation.

Filing a stipulation of counsel	\$.50
Filing a stipulation of counsel with order	\$.50

Substitution of Parties.

Praecipe for substitution of successor, each party	\$.50
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Scire Facias.

Filing and docketing of scire facias and amicable scire facias, the issuance of writ and the noting of return of service	\$5.25
All alias scire facias	\$2.00

Satisfactions.

Entering satisfactions of judgments, decrees, orders, encumbrances or liens	\$2.00
Satisfaction of judgment, orders, decrees, encumbrances or liens by power of attorney	\$2.00

Tax Liens.

Filing and entering where tax is for one year and one defendant only is named	\$2.00
For each additional year included	\$2.00
For each additional defendant named	\$.25

Filing and entering where special dockets are required and indexing in judgment index where tax is for one year and is directed to be indexed against one defendant only	\$3.00
For each additional year included	\$2.00
For each additional defendant named	\$.25
Filing and entering suggestion and averment of unpaid tax or municipal claim and indexing in judgment docket where tax or claim is for one year and is directed to be indexed against one name only	\$2.00
For each additional year included	\$2.00
For each additional name indexed	\$.25
Preparing suggestions and averments each ...	\$.50
Furnishing list of unsatisfied tax liens each item shown	\$.50
Filing and entering Federal tax liens	\$2.00

Verdicts.

Filing, docketing and indexing	\$5.00
Each name in excess of one	\$.25

Writs.

Issuing any original writ not specifically provided herein	\$5.25
Issuing any writ which is not an original writ, and not specifically provided for herein	\$1.25

General Provisions.

The fees for services not herein specifically provided for shall be the same as for similar services.

The prothonotary shall not be required to enter or docket any suit or action or order of court, or enter any judgment thereon, or perform any services whatsoever until the requisite fee is paid.

The fees hereinbefore enumerated shall be exclusive of any State tax now levied or that may hereafter be levied.

Section 2. The act of May 3, 1915 (P. L. 226), as amended, entitled "An act to establish and regulate the fees to be received and charged by the prothonotary of the courts of common pleas of this Commonwealth, in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census," is repealed.

Specific repeal.

Section 3. All other acts and parts of acts are repealed in so far as they are inconsistent herewith.

General repeal.

Section 4. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 12th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 278

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by clarifying and redefining the crime of prison breach.

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

The Penal Code.

Section 1. Section 309, act of June 24, 1939 (P. L. 872), known as "The Penal Code," amended July 29, 1953 (P. L. 1445), is hereby amended to read as follows:

Section 309, act of June 24, 1939, P. L. 872, amended July 29, 1953, P. L. 1445, further amended.

Section 309. Prison Breach.—Any person undergoing imprisonment who breaks prison [and] *or* escapes, or shall break prison although no escape is actually made, is guilty of prison breach, a felony, and, on conviction thereof, shall be sentenced to undergo imprisonment, by separate and solitary confinement at labor, for a term not exceeding ten (10) years.

Said sentence shall commence from the expiration of the original sentence and any other sentences previously imposed which remained to be served at the time the offense of prison breach was committed.

If the offense of prison breach is committed while such person is undergoing imprisonment in any institution other than a State penal or correctional institution, the judges of the courts of oyer and terminer, general jail delivery and quarter sessions of the peace may sentence such prisoner to the proper penitentiary for the crime of prison breach, and add to said sentence for prison breach a further sentence to the said penitentiary for a period of time equal to the term or terms which remained to be *served at the time of the offense of prison breach on the original sentence and any other sentences previously imposed.

The word "imprisonment," as used in this section, means actual confinement in any penal or correctional institution located in this Commonwealth, or any restraint by lawful authority pursuant to a court order or after conviction of any crime.

Section 2. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 12th day of July, A. D. 1961.

DAVID L. LAWRENCE

* "sereved" in original.