

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No.

777

Session of
1919.

INTRODUCED BY MR. BUCHER, MARCH 4, 1919.

REFERRED TO COMMITTEE ON JUDICIARY SPECIAL,
MARCH 5, 1919.

AN ACT

To provide for the removal or retirement of judges of the Supreme Superior Common Pleas Orphans' Municipal and County Court permanently disqualified by reason of physical or mental disability to perform their judicial functions or duties and providing for the payment of salaries to them during the balance of the term for which they may have been elected and for the remainder of their lives after such removal or retirement and for filling the vacancies caused thereby providing for such judges as may have been or who may have retired under provisions of previous acts and for judges who have heretofore retired and repealing certain acts.

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *from and after the passage of this act wherever the*

1 Governor is of the opinion based upon satisfactory medi-
2 cal evidence that a judge of the Supreme Superior Com-
3 mon Pleas Orphans' Municipal or County Court is by
4 reason of physical or mental disability permanently in-
5 capacitated for performing his judicial functions or duties
6 he shall notify said judge of his opinion giving the rea-
7 son therefor and if such judge shall resign within thirty
8 days after such notice and shall hold himself in readiness
9 to advise with his successor and colleagues and to per-
10 form such duties as may be imposed upon him as spe-
11 cial master referee auditor or examiner in such ways as
12 he may be reasonably able to do he shall receive for
13 the remainder of the term for which he was elected
14 if he shall so long live and shall not be engaged in
15 any remunerative business or employment the salary he
16 would have received had he remained in active service in
17 such court

18 Section 2 Any judge of the Supreme Superior Com-
19 mon Pleas Orphans' Municipal or County Court so re-
20 signing who shall have served in judicial office for fifteen
21 (15) years or more immediately prior to the date of
22 his resignation who is not engaged in any remunerative
23 business or employment and who shall hold himself in
24 readiness to advise with his successors and colleagues and
25 to perform duties as special master referee auditor or ex-
26 aminer in such ways as he may be reasonably able to
27 do shall receive during the remainder of his life after
28 the expiration of the term for which he shall have been
29 elected a sum equal to three-fourths ($\frac{3}{4}$ ths) of the salary

1 which would have been paid to him had he continued
2 in active service in such court

3 Section 3 Any judge of the Supreme Superior Com-
4 mon Pleas Orphans' Municipal or County Court who has
5 heretofore served or who may hereafter serve in judicial
6 office for twenty years or more and who has heretofore
7 retired or who may hereafter retire from office by expira-
8 tion of his term or by resignation or otherwise and
9 who shall after the passage of this act hold himself in
10 readiness to advise with his successors and the colleagues
11 of the court of which he had been a member and to
12 perform such duties as special master referee auditor or
13 examiner in such ways as he may be reasonably able
14 to do shall receive during the remainder of his life
15 one-half of the salary which would have been paid to
16 him had he continued in active service as a member of
17 such court

18 Section 4 No judge while accepting the benefits of this
19 act shall be entitled to any additional compensation for
20 the performance of any duties assigned to him hereunder
21 but such judge shall not be obliged to accept an assign-
22 ment or duty from any court other than the court of
23 which he was a member at the time of his retirement

24 Section 5 Any judge who by reason of physical or
25 mental disability is permanently incapacitated for performing
26 his judicial duties or functions may notify the Governor
27 thereof whereupon the Governor shall proceed as provided
28 by Section one hereof or the Governor may on his own
29 initiative proceed as provided therein

1 Section 6 All payments under this act shall be made
2 monthly upon the certificate of the retired judge that he
3 is not engaged in any remunerative business or employ-
4 ment If the judge is unable to make such certificate if
5 may be made by his personal representative or by a
6 physician having full knowledge of the facts

7 Section 7 Any judge or judges who may have been
8 or who may have retired under the provisions of the
9 Act approved the eleventh day of May one thousand nine
10 hundred and one (Pamphlet Laws one hundred and sixty-
11 five) or the act approved the twenty-third day of June
12 one thousand nine hundred and eleven (Pamphlet Laws
13 one thousand one hundred and twenty-one) or the act ap-
14 proved the fifth day of June one thousand nine hundred
15 and seventeen (Pamphlet Laws three hundred and thirty-
16 three) are hereby given all the benefits and advantages
17 and made subject to the requirements of this act to
18 the same extent and with the same force and effect as
19 if they had been retired under the provisions hereof

20 Section 8 Any vacancy created by a retirement under
21 this act prior to the expiration of the current term
22 that the judge is filling at the time of such retirement
23 shall be filled as now provided by law in cases of
24 vacancies in judicial offices

25 Section 9 The act approved the eleventh day of May
26 one thousand nine hundred and one (Pamphlet Laws one
27 hundred and sixty-five) entitled "An act to provide for
28 the removal of judges of the supreme superior common
29 pleas and orphans' courts permanently disqualified by rea-

1 son of physical or mental disability to perform their
2 judicial functions and duties with half pay for their un-
3 expired terms and the filling of vacancies caused by such
4 removal" the act approved the twenty-third day of June
5 one thousand nine hundred and eleven (Pamphlet Laws
6 one thousand one hundred and twenty-one) entitled "An
7 act to amend section one of an act entitled 'An act to
8 provide for the removal of judges of the Supreme
9 Superior Common Pleas and Orphans' Courts permanently
10 disqualified by reason of physical or mental disability to
11 perform their judicial functions and duties with half pay
12 for their unexpired terms and the filling of vacancies
13 caused by such removal' approved May eleventh one thou-
14 sand nine hundred and one so as to allow them full
15 pay during the balance of their terms of office and un-
16 der certain conditions half pay during the remainder of
17 their lives" the act approved the fifth day of June one
18 thousand nine hundred and seventeen (Pamphlet Laws
19 three hundred and thirty-three) entitled "An act to amend
20 section one of an act entitled 'An act to provide for
21 the removal of judges of the Supreme Superior Common
22 Pleas and Orphans' Courts permanently disqualified by rea-
23 son of physical or mental disability to perform their
24 judicial functions and duties with half pay for their un-
25 expired terms and the filling of vacancies caused by such
26 removal' approved the eleventh day of May one thousand
27 nine hundred and one as amended by an act entitled
28 'An act to amend section one of an act entitled "An

1 act to provide for the removal of judges of the Su-
2 preme Superior Common Pleas and Orphans' Courts per-
3 manently disqualified by reason of physical or mental dis-
4 ability to perform their judicial functions and duties with
5 half pay for their unexpired terms and the filling of
6 vacancies caused by such removal" approved May eleventh
7 one thousand nine hundred and one so as to allow them
8 full pay during the balance of their terms of office and
9 under certain conditions half pay during the remainder of
10 their lives' approved twenty-third day of June one thou-
11 sand nine hundred and eleven so as to provide that any
12 judge of the Supreme or Superior Court who has served
13 in judicial office for twenty or more years shall be en-
14 titled to receive the benefits of said act immediately after
15 his honorable retirement from office by expiration of term
16 resignation or otherwise whether said service be continuous
17 or not and extending the provisions of said act to
18 judges of the court of common pleas and orphans' court
19 who have served continuously for twenty years or more
20 and have reached the age of sixty-five years after retire-
21 ment from office of any of such judges after the ex-
22 piration of their term resignation or otherwise" are here-
23 by repealed All other acts of assembly general special
24 or local or any part thereof which in any way conflict
25 or are inconsistent with the provisions of this act or
26 any part thereof be and the same are hereby repealed