

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. 1157 Session of 1919.

INTRODUCED BY MR. WONER, MARCH 31, 1919.

REFERRED TO COMMITTEE ON COUNTIES AND TOWNSHIPS,
APRIL 1, 1919.

AN ACT

Relating to county officers in counties having a population of more than seventy thousand and less than one hundred and fifty thousand inhabitants and providing for their salaries and the compensation of deputies and clerks in the respective county offices requiring the payment into the respective county treasury of the fees of county officers and providing penalties for violation of this act

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 *in all counties in this Commonwealth containing a popu-*
5 *lation of more than seventy thousand and less than one*
6 *hundred and fifty thousand inhabitants all fees limited and*
7 *appointed by law to be received by each and every*
8 *county officer therein elected by the qualified voters of*
9 *their respective counties or appointed according to law or*
10 *which they shall be legally authorized required or entitled*

1 to charge or receive shall except as other wise provided
2 belong to the county in and for which they are sever-
3 ally elected or appointed and it shall be the duty of
4 each of said officers to enact collect and receive all such
5 fees to and for the use of their respective counties ex-
6 cept such taxes and fees as are levied for the Common-
7 wealth which shall be to and for the use of the Com-
8 monwealth None of said officers shall receive for his own
9 use or for any use or purpose whatever, except for the
10 use of the proper county or for the Commonwealth as
11 the case may be any fees for any official services whatsoever
12 except as otherwise provided in this act

13 Section 2 Each of said officers shall keep a special
14 account book the forms of which shall be prescribed by
15 the controller or county auditors in which an entry shall
16 be made of all moneys received for fees and of all
17 moneys earned and of all moneys chargeable upon the
18 county specifying the day and date the title of the case
19 if any for what service and from whom received or due
20 and on the first Monday of each month each of said
21 officers shall pay to the treasurer of the proper county
22 all fees so received during the preceding month taking
23 duplicate receipts therefore one of which he shall deposit
24 with the county controller or the county auditors together
25 with a transcript in detail of his fee account book or
26 books for the preceding month to which he shall make
27 oath or affirmation before the county controller or the
28 county auditors that the said transcript contains a true
29 and correct list of all the fees received or earned and

1 outstanding or chargeable upon the county for services
2 rendered in his office either by himself deputies or clerks
3 during the preceding month that the said fees were sev-
4 erally charged at regular rates and that he has not re-
5 ceived and is not to receive from any person or persons
6 whatsoever for any official service or duty any other fees
7 than those so entered on said transcript and it shall be
8 the duty of the county controller or the county auditors
9 to attend on such first Monday of each month to re-
10 ceive such returns and to verify the same and to
11 such other matters and things as may be required in
12 the premises and to file said receipt and transcript in
13 the office and to charge the county treasurer with the
14 money for fees so paid in When fees are paid to one
15 office which are for services rendered or to by another
16 the officer receiving the same shall specify the same on his
17 account book and on his transcript as of the office to
18 which they properly belong

19 Section 3 If any officers included in this act shall
20 receive or stipulate to receive from any deputies or
21 clerks appointed by him or from any person or persons
22 awarded any contract for advertising or any other con-
23 tract any sum or sums of money as percentage on the
24 salaries of the said deputies or clerks or on the
25 amounts of profits of said contracts or any sum or
26 sums of money whatsoever as compensation for making
27 any of the said appointments or contracts or shall
28 neglect to render the accounts required as aforesaid or
29 to pay over the moneys received for fees required by

1 this act or shall wilfully neglect to make any proper
2 entry in the book or books required to be kept or
3 shall wilfully neglect or charge for any official services
4 the fees allowed by law or shall take to his own use
5 any such fees or fail to comply with any of the pro-
6 visions of this act or neglect to discharge any of the
7 duties herein imposed the same shall be deemed a mis-
8 demeanor in office and in addition to the other penalties
9 for such offenses he shall upon conviction thereof refund
10 the said sum or sums of money thus unlawfully re-
11 ceived and shall be deemed incapable of holding longer the
12 said office

13 Section 4 Any officer included in this act or any
14 other person who shall wilfully swear falsely in verifying
15 any account transcript or bill required in this act or in
16 making any affidavit in reference thereto shall be deemed
17 guilty of perjury and upon conviction thereof shall be
18 liable to the punishment prescribed by the laws of this
19 State for perjury and any person who shall procure any
20 other person to swear falsely in verifying any such ac-
21 count transcript or bill in making any affidavit in refer-
22 ence thereto shall be deemed guilty of subornation of
23 perjury and upon conviction thereof shall be liable to
24 the punishment prescribed by law for that offense

25 Section 5 All county officers within the counties to
26 which this act applies whether elected by the people or
27 appointed according to law and their several deputies and
28 clerks shall be paid for their services by fixed and
29 specific salaries which shall be a charge upon the treas-

1 ury of the county to which each shall respectively belong
2 to the extent (except as hereinafter provided) of the
3 fees collected and paid in by each officer respectively or
4 earned where fees are chargeable upon the county treas-
5 ury Said salaries shall be paid monthly except as herein
6 otherwise provided on the second Monday of the month
7 succeeding that in which his services were rendered but
8 no warrant shall be drawn for the payment of any of
9 said officers his deputies or clerks who shall not have
10 filed the receipt and transcript provided for in this act
11 Section 6 All salaries fixed by this act (except in
12 the case of such officers as may be otherwise provided
13 for herein) shall be paid from the amounts paid into
14 the proper county treasurer from the respective offices
15 after ascertaining and deducting the amount due the
16 deputies and clerks in each office and if there has not
17 been a sum sufficient from fees received and paid in
18 or for fees earned and due by the county for services
19 rendered to pay the full amount of the salary of any
20 officer holding any of said offices after deducting the
21 amount due the deputies and clerks such officer shall re-
22 ceive only such proportion of his salary as shall be
23 equal to the aggregate of the net fees received and
24 earned by him as aforesaid during his term of office
25 during such month If the fees in any month or months
26 during his term of office shall exceed the amount of
27 the expense and salary aforesaid for such month the de-
28 ficit of salary for any month shall be made up from
29 such excess

1 Section 7 Each county officer shall appoint and may
2 dismiss the deputies and clerks of this office The county
3 commissioners and county controller when such office exists
4 in all the respective counties coming under the provisions
5 of this act are hereby constituted a salary board for
6 their several counties respectively whose duty it shall be
7 to meet together from time to time as they may be
8 required by any of the county officers whose salaries are
9 established by this act for the purpose of ascertaining
10 and determining the number of deputies or clerk re-
11 quired for the proper dispatch of business by each
12 of such officers and for fixing the salary of said clerks
13 and deputies subject to the approval of the court of
14 common pleas of the county in which he is an officer
15 Whenever said board is assembled to consider the case
16 of any one of said officers such officer shall sit as a
17 member of the board so long as his case is under
18 consideration and no longer and a decision of the ma-
19 jority shall govern Each officer shall personally attend to
20 the duties of his office and no pay for any deputy or
21 clerk shall be allowed to any officer whose personal
22 services are or should be sufficient for the proper dis-
23 patch of the business of such office But if after such
24 decision is made any officer shall think that the number
25 of his clerks or deputies is too few or the compensa-
26 tion fixed for either is too small as the case may
27 have been determined by the board he may appeal from
28 the action thereof to the court of common pleas of the
29 county in which he is an officer who shall hear and

1 determine such appeal as promptly as possible and its
2 decision thereon shall be final Each of said boards shall
3 keep a correct minute book of its proceedings in all
4 cases heard and determined by it

5 Section 8 All deputies and clerks receiving a salary
6 shall make oath or affirmation before the county controller
7 or county auditors or president of the board of county
8 commissioners that they have duly rendered services for
9 which they claim a salary Said salary shall be paid
10 direct to the person entitled to receive the same but
11 not until such deputy or clerk has made oath or affirma-
12 tion that at no time since his appointment has he paid
13 directly or indirectly any money or other thing of value
14 to the county officer who appoints or retains such deputy
15 or clerk

16 Section 9 All books records papers and accounts kept
17 by any of the officers named or included in this act
18 shall be open to the inspection of the county controller
19 or county auditors who shall have power to examine the
20 same at any time he or they may wish to do so
21 for the purpose of verifying therefrom the monthly ab-
22 tracts provided for by this act. Nothing in this act how-
23 ever shall be construed as limiting the powers of the
24 Auditor General or State Treasurer in respect to accounts
25 of public officers as now provided by existing law

26 Section 10 Each county to which this act applies
27 shall at the cost of the county furnish the office furni-
28 ture books and stationery required for the use of any
29 of the officers included in this act or of any other

1 county officer and also all needed fuel and the services
2 of a janitor This section does not apply to the county
3 solicitor the coroner and the county surveyor

4 Section 11 In such counties the annual salaries of
5 county officers shall be as follows namely

6 In counties having eighty thousand inhabitants or less
7 but more than seventy thousand the salaries shall be

8 Of the district attorney two thousand dollars

9 Of the sheriff three thousand three hundred dollars

10 Of the prothonotary two thousand four hundred dollars

11 Of the clerk of orphans' court one thousand four
12 hundred dollars

13 Of the clerk of quarter sessions and oyer and ter-
14 miner one thousand four hundred dollars

15 Of the register one thousand eight hundred dollars

16 Of the recorder of deeds two thousand four hundred
17 dollars

18 Of the treasurer three thousand dollars

19 Of the county auditors where such office exists each
20 two hundred dollars

21 Of the county controller where such office exists one
22 thousand eight hundred dollars

23 Of the jury commissioners each one hundred seventy-
24 five dollars

25 Of the keeper of the prison or county jailor where
26 such office exists eight hundred dollars

27 Where the office of register and clerk of the orphans'
28 court are held by the same person such officer shall re-
29 ceive a salary of two thousand four hundred dollars only

1 Where the office of prothonotary clerk of the court of
2 general quarter sessions and clerk of the court of oyer
3 and terminer are held by the same person such officer
4 shall receive a salary of three thousand dollars only

5 Where the office of prothonotary clerk of the court
6 of general quarter sessions clerk of the court of oyer
7 and terminer and clerk of the orphans' court are held
8 by the same person such officer shall receive a salary
9 of three thousand dollars

10 Where the office of prothonotary clerk of the court of
11 the court of general quarter sessions clerk of the court
12 of oyer and terminer clerk of the orphans' court regis-
13 ter of wills and recorder of deeds are held by the
14 same person such officer shall receive a salary of three
15 thousand six hundred dollars only

16 Where the office of clerk of the court of general
17 quarter sessions clerk of the court of oyer and terminer
18 and clerk of the orphans' court are held by the same
19 person such officer shall receive a salary of two thou-
20 sand four hundred dollars only

21 Where the office of register of wills and recorder of
22 deeds are held by the same person such officer shall re-
23 ceive a salary of two thousand eight hundred dollars only

24 Where the office of register of wills recorder of deeds
25 and clerk of the orphans' court are held by the same
26 person such officer shall receive a salary of three thou-
27 sand two hundred dollars only

28 Where the office of recorder of deeds and clerk of

1 the court of general quarter sessions are held by the
2 same person such officer shall receive a salary of two
3 thousand eight hundred dollars only

4 Where the office of recorder of deeds clerk of the
5 court of general quarter sessions clerk of the court of
6 oyer and terminer and clerk of the orphans' court are
7 held by the same person such officer shall receive a
8 salary of three thousand dollars only

9 Where the offices of clerk of the court of general
10 quarter sessions clerk of the court of oyer and terminer
11 clerk of orphans' court and register of wills are held
12 by the same person such officer shall receive a salary
13 of two thousand five hundred dollars only

14 In counties having ninety thousand inhabitants or less
15 but more than ~~eighty~~ thousand the salaries shall be

16 Of the sheriff three thousand six hundred dollars

17 Of the prothonotary two thousand six hundred dollars

18 Of the clerk of the orphans' court one thousand six
19 hundred dollars

20 Of the clerk of quarter sessions and oyer and ter-
21 miner one thousand six hundred dollars

22 Of the register two thousand dollars

23 Of the recorder of deeds two thousand six hundred
24 dollars

25 Of the treasurer three thousand two hundred dollars

26 Of the county auditors where such office exists each
27 two hundred fifty dollars

28 Of the county controller where such office exists two
29 thousand dollars

1 Of the jury commissioners each two hundred dollars

2 Of the keeper of prison or county jailor where such
3 office exists one thousand dollars

4 Where the office of register and clerk of the orphans'
5 court are held by the same person such officer shall
6 receive a salary of two thousand six hundred dollars only

7 Where the office of prothonotary clerk of the court of
8 general quarter sessions and clerk of the court of oyer
9 and terminer are held by the same person such officer
10 shall receive a salary of three thousand two hundred
11 dollars only

12 Where the office of prothonotary clerk of the court
13 of general quarter sessions clerk of the court of oyer
14 and terminer and clerk of the orphans' court are held
15 by the same person such officer shall receive a salary
16 of three thousand five hundred dollars only

17 Where the office of prothonotary clerk of the court
18 of general quarter sessions clerk of the court of oyer
19 and terminer clerk of the orphans' court register of wills
20 and recorder of deeds are held by the same person such
21 officer shall receive a salary of four thousand dollars only

22 Where the office of clerk of the court of general
23 quarter sessions clerk of the court of oyer and terminer
24 and clerk of the orphans' court are held by the same
25 person such officer shall receive a salary of two thousand
26 six hundred dollars only

27 Where the office of register of wills and recorder of
28 deeds are held by the same person such officer shall re-
29 ceive a salary of three thousand dollars only

1 Where the office of register of wills recorder of deeds
2 and clerk of the orphans' court are held by the same
3 person such officer shall receive a salary of three thou-
4 sand three hundred dollars only

5 Where the office of recorder of deeds and clerk of the
6 court of general quarter sessions are held by the same
7 person such officer shall receive a salary of three thou-
8 sand dollars only

9 Where the office of recorder of deeds clerk of the
10 court of general quarter sessions clerk of the court of
11 oyer and terminer and clerk of the orphans' court are
12 held by the same person such officer shall receive a sal-
13 ary of three thousand two hundred dollars only

14 Where the offices of clerk of the court of general
15 quarter sessions clerk of the court of oyer and terminer
16 clerk of the orphans' court and register of wills are held
17 by the same person such officer shall receive a salary of
18 two thousand eight hundred dollars only

19 In counties having one hundred thousand inhabitants or
20 less but more than ninety thousand the salaries shall be

21 Of the sheriff three thousand eight hundred dollars

22 Of the prothonotary two thousand eight hundred dollars

23 Of the clerk of orphans' court one thousand eight hun-
24 dred dollars

25 Of the clerk of quarter sessions and oyer and termi-
26 ner one thousand eight hundred dollars

27 Of the register two thousand three hundred dollars

28 Of the recorder of deeds two thousand eight hundred
29 dollars

1 Of the treasurer three thousand five hundred dollars

2 Of the county auditors where such office exists each
3 two hundred seventy-five dollars

4 Of the county controller where such office exists two
5 thousand three hundred dollars

6 Of the jury commissioner each two hundred fifty dol-
7 lars

8 Of the keeper of prison or county jailer where such
9 office exists one thousand two hundred dollars

10 Where the office of register and clerk of the or-
11 phans' court are held by the same person such officer shall
12 receive a salary of two thousand eight hundred dollars
13 only

14 Where the office of prothonotary clerk of the court
15 of general quarter sessions and clerk of the court of
16 oyer and terminer are held by the same person such
17 officer shall receive a salary of three thousand five hun-
18 dred dollars only

19 Where the office of prothonotary clerk of the court of
20 general quarter sessions clerk of the court of oyer and
21 terminer and clerk of the orphans' court are held by
22 the same person such officer shall receive a salary of
23 three thousand eight hundred dollars only

24 Where the office of prothonotary clerk of the court of
25 general quarter sessions clerk of the court of oyer and
26 terminer clerk of the orphans' court register of wills and
27 recorder of deeds are held by the same person such

1 officer shall receive a salary of four thousand five hun-
2 dred dollars only

3 Where the office of the clerk of the court of gen-
4 eral quarter sessions clerk of the court of oyer and
5 terminer and clerk of the orphans' court are held by
6 the same person such officer shall receive a salary of
7 two thousand eight hundred dollars only

8 Where the office of register of wills and recorder of
9 deeds are held by the same person such officer shall re-
10 ceive a salary of three thousand two hundred dollars only

11 Where the office of register of wills recorder of deeds
12 and clerk of the orphans' court are held by same per-
13 son such officer shall receive a salary of three thousand
14 five hundred dollars only

15 Where the office of recorder of deeds and clerk of
16 the court of general quarter sessions are held by the
17 same person such officer shall receive a salary of three
18 thousand two hundred dollars only

19 Where the office of recorder of deeds clerk of the
20 court of general quarter sessions clerk of the court of
21 oyer and terminer and clerk of the orphans' court are
22 held by the same person such officer shall receive a sal-
23 ary of three thousand five hundred dollars only

24 Where the offices of clerk of the court of general
25 quarter sessions clerk of the court of oyer and terminer
26 clerk of orphans' court and register of wills are held by
27 the same person such officer shall receive a salary of
28 three thousand two hundred dollars only

29 In counties having one hundred fifty thousand in-

1 habitants or less but more than one hundred thousand
2 the salaries shall be

3 Of the sheriff four thousand dollars

4 Of the prothonotary three thousand two hundred dollars

5 Of the clerk of orphans' court two thousand five hun-
6 dred dollars

7 Of the clerk of quarter sessions and oyer and
8 terminer two thousand five hundred dollars

9 Of the register two thousand five hundred dollars

10 Of the recorder of deeds three thousand dollars

11 Of the treasurer four thousand dollars

12 Of the county auditors where such office exists each
13 three hundred dollars

14 Of the county controller where such office exists two
15 thousand five hundred dollars

16 Of the jury commissioners each three hundred dollars

17 Of the keeper of prison or county jailor where such
18 office exists one thousand five hundred dollars

19 Where the office of register and clerk of the orphans'
20 court are held by the same person such officer shall re-
21 ceive a salary of three thousand dollars only

22 Where the office of prothonotary clerk of the court
23 of general quarter sessions and clerk of the court of oyer
24 and terminer are held by the same person such officer
25 shall receive a salary of four thousand dollars only

26 Where the office of prothonotary clerk of the court
27 of general quarter sessions clerk of the court of oyer
28 and terminer and clerk of the orphans' court are held

1 by the same person such officer shall receive a salary
2 of four thousand two hundred dollars only

3 Where the office of prothonotary clerk of the court
4 of general quarter sessions clerk of the court of oyer
5 and terminer clerk of the orphans' court register of wills
6 and recorder of deeds are held by the same person such
7 officer shall receive a salary of five thousand dollars only

8 Where the office of clerk of the court of general
9 quarter sessions clerk of the court of oyer and terminer
10 and clerk of the orphans' court are held by the same
11 person such officer shall receive a salary of three thou-
12 sand dollars only

13 Where the office of register of wills and recorder of
14 deeds are held by the same person such officer shall
15 receive a salary of three thousand five hundred dollars
16 only

17 Where the office of register of wills recorder of
18 deeds and clerk of the orphans' court are held by the
19 same person such officer shall receive a salary of four
20 thousand dollars only

21 Where the office of recorder of deeds and clerk of
22 the court of general quarter sessions are held by the
23 same person such officer shall receive a salary of three
24 thousand five hundred dollars only

25 Where the office of recorder of deeds clerk of the
26 court of general quarter sessions clerk of the court of
27 oyer and terminer and clerk of the orphans' court are
28 held by the same person such officer shall receive a
29 salary of four thousand dollars only

1 Where the offices of clerk of the court of general
2 quarter sessions clerk of the court of oyer and terminer
3 clerk of orphans' court and register of wills are held by
4 the same person such officer shall receive a salary of
5 three thousand six hundred dollars only

6 Section 12 The salaries fixed and provided by the
7 foregoing section shall be in lieu of all or any moneys
8 fees, perquisites or mileage expenses and other allowances
9 which are now or may hereafter be received by or al-
10 lowed to any officer named in this act and all said
11 moneys fees mileage or perquisites received by any of
12 them as compensation fees or perquisites from any source
13 whatever shall in all cases belong to the county and
14 shall be paid into the treasury (except where required to
15 be paid to the Commonwealth) as provided in this act
16 The sheriff however shall be allowed all mileage and ex-
17 penses actually and necessarily incurred or paid out in
18 performing any duty of his office The fees allowed for
19 collecting collateral inheritance taxes shall remain as here-
20 tofore and shall be in addition to the salary provided
21 for in this act

22 Section 13 The sheriff county jailor or prison keeper
23 county auditors county controller county commissioners and
24 the county treasurer shall severally be paid quarterly and
25 shall be paid the full amount allowed to them by this
26 bill but all fees and emoluments whatsoever that may
27 accrue to either of them by virtue of their respective
28 offices shall be paid by them to the county treasurer

1 as directed by this act and all other officers shall be
2 paid the amounts herein assigned them, only when the
3 net receipts of of their respective offices shall reach the
4 amount herein respectively fixed for them

5 Section 14 Except as otherwise provided all rights of
6 action and all other remedies heretofore granted or ex-
7 tended to said officers for the collection of their respec-
8 tive fees are hereby extended and shall inure to the
9 benefit of the several counties affected by this act for
10 the collection of all fees and costs that may hereafter
11 accrue to said counties under the provisions of this act

12 Section 15 The population of any county under the
13 provisions of this act shall be the population as as-
14 certained by the latest Federal census

15 Section 16 This act shall take effect on the first
16 Monday of January one thousand nine hundred and
17 twenty All county officers affected by it shall settle their
18 several accounts under existing laws up to date and all
19 laws or parts of laws general local or special incon-
20 sistent with this act are hereby repealed from that date
21 but shall remain in full force and virtue as to all
22 actions and remedies at law begun or accruing prior to
23 that date

24 If the term of any county officer affected by this
25 act does not expire on the first Monday of January one
26 thousand nine hundred and twenty this act shall take
27 effect in such county so far as such office is concerned
28 when the term of such officer expires