
LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. 1177 **Session of**
1919.

INTRODUCED BY MR. JONES, APRIL 1, 1919.

REFERRED TO COMMITTEE ON JUDICIARY SPECIAL,
APRIL 1, 1919.

AN ACT

To fix regulate and establish the fees to be charged and received by constables in this Commonwealth and to provide for the taxation payment and collection of the same

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 the fees to be*
5 *charged and received by constables in this Commonwealth*
6 *shall be as follows*

7 For executing a warrant on behalf of the Common-
8 wealth for each defendant two dollars

9 For conveying defendants except vagrants to jail on
10 mittimus or warrants for each defendant one dollar and
11 in addition thereto the actual costs of transportation of
12 such defendant or defendants

13 For arresting persons guilty of a breach of the peace
14 riotous or disorderly conduct drunkenness or who may be

1 engaged in the commission of any unlawful act tending
2 to imperil the personal security or endanger the property
3 of the citizens or violating any ordinance of any borough
4 for the violation of which a fine or penalty is im-
5 posed or offending or suspected of offending against the
6 laws of this Commonwealth protecting timberlands or the
7 violation of any other law of this Commonwealth author-
8 izing arrest by constable without process and bringing such
9 offender before a justice of the peace for each defendant
10 one dollar and for every act in or about the arrest
11 or commitment of vagrants one dollar for each vagrant
12 so arrested or arrested and committed and mileage as here-
13 inafter provided

14 For levying a fine or forfeiture on a warrant fifty
15 cents

16 For taking the body of a defendant into custody on
17 a mittimus where bail is afterwards entered before de-
18 livery of body to the jailer one dollar

19 For executing bail-piece one dollar

20 For executing a search-warrant and making return
21 thereon two dollars for each defendant

22 For making return to the court of quarter sessions
23 five dollars

24 For serving summons notice on referees suitor or ten-
25 ant either personally or by leaving copy one dollar for
26 each person served

27 For serving and making demand on executions one dol-
28 lar for each defendant

29 For serving subpoena in all cases one dollar for the

1 first witness and fifty cents for each additional witness
2 served

3 For executing attachment one dollar for each defendant
4 and garnishee served

5 For serving fraudulent debtor attachment one dollar for
6 each service and three dollars for taking possession of
7 goods

8 For arresting on a capias two dollars for each per-
9 son arrested

10 For taking bail on a capias or for delivery of goods
11 one dollar

12 For notifying plaintiff where defendant has been ar-
13 rested on capias to be paid by plaintiff twenty-five cents

14 For serving capias execution one dollar

15 For executing landlord's warrant one dollar

16 For taking inventory of goods each item two cents

17 For levying or distraining goods one dollar

18 For advertising personal property to public sale two
19 dollars and fifty cents

20 For selling goods levied or distrained one dollar and
21 when the same continues longer than three hours three
22 dollars per day and poundage five per cent on first one
23 hundred dollars and three per cent on excess

24 For clerk hire at said sales when necessary two dol-
25 lars per day

26 For watchman taking charge of property levied on
27 when necessary three dollars and fifty cents per day also
28 reasonable expenses of insurance arranging goods for sale
29 heat light storage rent transportation feeding livestock and

1 similar expenses incurred in caring for and keeping goods
2 and chattels levied upon when the same is necessary and
3 advantageous or when requested by the plaintiff or de-
4 fendant to incur such expense

5 For receiving and paying over money paid after a
6 levy without sale one dollar and fifty cents

7 For copy of vendue paper when demanded each item
8 two cents

9 For putting up notices of distress at mansion-house or
10 at any other place on the premises fifty cents

11 For serving scire facias either personally or by leav-
12 ing a copy for each person served fifty cents

13 For executing order of removal of a pauper or paupers
14 one dollar for each pauper

15 For making return of nulla bona or non est inventus
16 on any writ fifty cents

17 For executing writ of restitution two dollars

18 For executing writ of possession two dollars

19 For serving summons in landlord and tenant proceed-
20 ings—one dollar for each defendant

21 For taking inventory of goods on an execution each
22 item two cents

23 For holding appraisement where exemption is claimed by
24 defendant five dollars out of which the constable shall
25 pay to each appraiser one dollar

26 For attending general special township ward or bor-
27 ough election three dollars which sum shall include pay
28 for serving notices in writing to the persons elected at
29 such special township ward or borough elections Provided

1 That where any such election be held in any township
2 ward or borough in which there are more than one elec-
3 tion districts or precincts and a deputy constable is ap-
4 pointed to attend an election held at each of such dis-
5 tricts or precincts said deputy constable shall each receive
6 the sum of three dollars

7 For traveling expenses in the performance of any duty
8 or service hereinbefore set forth, or in the performance of
9 any other duty or service required by law each mile
10 going and each mile returning ten cents to be computed
11 by the route usually traveled in going from points and
12 places where said constables may reside or where he re-
13 ceives any paper to be executed to the points or places
14 required to be traveled and return therefrom to the start-
15 ing points or places whether that route be by highways
16 railroads or otherwise Provided That in no case shall
17 more mileage be demanded or received than for the miles
18 actually traveled each way

19 For services not herein specially provided for the
20 same fee may be charged and received as for similar
21 services

22 Section 2 In all civil causes and proceedings all con-
23 stables' costs fees mileage and expenses shall be due and
24 payable when services are performed and it shall be law-
25 ful for him to demand and receive from the party in-
26 stituting the proceeding or any party liable for the costs
27 thereof all unpaid costs fees mileage and expenses of the
28 same before he shall be obliged to make service or re-

1 turn - thereof and in case he does not choose to collect
2 his fees in this manner to file with each return he
3 makes a correct itemized list of his costs on or before
4 the return day thereof which shall be taxed by the jus-
5 tice of the peace alderman magistrate or other officer be-
6 fore whom the proceeding is returnable and should the
7 same remain unpaid for a period of twenty days thereafter
8 such constable may issue an execution in such proceeding
9 to collect the same without further suit provided that the
10 constable shall still have the benefit of all rights exist-
11 ing under the common law to sue for and recover his
12 costs fees and expenses in the proper action for recovery
13 of the same

14 Section 3 In all criminal cases and proceedings the
15 constables' costs fees mileage and expenses shall be due
16 when the services are performed and shall be chargeable
17 to and paid by the party chargeable with the payment
18 of the same under the provisions of the existing laws
19 of this Commonwealth Provided however that in all crimi-
20 nal cases where the transcript thereof required by law to
21 be returned has been duly returned to the proper court
22 by the justice of the peace alderman or magistrate hav-
23 ing jurisdiction of the same in due time for action to
24 be duly taken thereon by the proper grand jury at the
25 then time as provided by existing laws of this Common-
26 wealth and the district attorney of the proper county
27 should fail to lay before said grand jury indictment or
28 indictments thereon or said district attorney having laid
29 before said grand jury indictment or indictments thereon

1 and said grand jury shall fail to return a true bill
2 or ignoramus on and upon said indictment or indictments
3 then and in either of said events the constables' costs
4 fees mileage and expenses shall be chargeable to and paid
5 forthwith by the proper county

6 Section 4 All acts or parts of acts inconsistent here-
7 with are hereby repealed but this act shall not be un-
8 derstood or construed to repeal modify or affect the pro-
9 visions of the following acts

10 An act entitled "An act for taxation of dogs and
11 the protection of sheep" approved the twenty-fifth day of
12 May Anno Domini one thousand eight hundred and ninety-
13 three

14 An act entitled "An act making constables of town-
15 ships ex-officio fire wardens for the extinction of forest
16 fires and for reporting to the court of quarter sessions
17 violations of the laws for the protection of forests from
18 fire prescribing the duties of such fire-wardens and their
19 punishment for failure to perform the same and empow-
20 ering them to require under penalty the assistance of
21 other persons in the extinction of such fires" approved
22 the thirteenth day of March Anno Domini one thousand
23 eight hundred and ninety-seven

24 An act entitled "An act to change the mode of crim-
25 inal proceedings in Erie and Union counties" approved the
26 first day of May Anno Domini one thousand eight hun-
27 dred and sixty-one and the several extensions and supple-
28 ments thereto

29 An act entitled "An act to amend an act entitled

1 'An act to provide for the destruction and to prevent
2 the spread of Canada thistles' approved the twenty-second
3 day of March Anno Domini one thousand eight hundred
4 and sixty-two" approved the twenty-fourth day of April
5 Anno Domini one thousand eight hundred and eighty-five

6 An act entitled "An act relating to dogs and the
7 protection of livestock and poultry from damage by dogs
8 providing for the licensing of dogs regulating the keeping
9 of dogs and authorizing their destruction in certain cases
10 providing for the protection of licensed dogs and for dogs
11 temporarily imported for trial show and breeding purposes
12 prescribing certain privileges for hunting dogs and dogs
13 owned or used by the board of game commissioners pro-
14 viding for the assessment of damages done by dogs and
15 payment thereof by the proper county to the owners of
16 livestock and poultry and of damages to licensed dogs
17 imposing powers and duties on certain State county city
18 borough town and township officers and employes and on
19 city councils of cities of the first and second class and
20 providing penalties" approved the eleventh day of July
21 Anno Domini one thousand nine hundred and seventeen

22 An act entitled "An act amending section one of an
23 act approved the fourteenth day of May one thousand
24 nine hundred thirteen entitled "An act to provide and fix
25 fees and compensation to be received by constables in
26 this Commonwealth for visiting places where liquors are
27 sold or kept" approved the eighteenth day of July Anno
28 Domini one thousand nine hundred seventeen