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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE BILL

No. **207** Session of  
1961

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MESSRS. LANE, ROONEY, VAN SANT, SCOTT AND STEVENSON,  
IN PLACE, FEBRUARY 13, 1961.

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MR. KROMER, COMMITTEE ON LOCAL GOVERNMENT,  
AS AMENDED, APRIL 11, 1961.

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## AN ACT

Amending the act of May 9 1949 (P L 927) entitled "An act fixing and regulating the fees commissions milcage and other costs chargeable by the sheriff in counties of the second third fourth fifth sixth seventh and eighth classes for their official acts and the services of their deputies watchmen appraisers and other agents requiring prepayment of same unless secured or chargeable to the county and delivery of itemized receipts therefor requiring certain payments by the county including the compensation of

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill.  
Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

special deputies providing for the taxation and collection of fees commissions mileage and other costs requiring salaried sheriffs to account to the county for certain fees and commissions collected and repealing inconsistent laws general special or local" changing fees mileage and other costs chargeable by sheriffs and making editorial corrections

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

- 1 Section 1 Clauses (a) to (j) and (l) and (m) of section 1 act of May
- 2 9 1949 (P L 927) entitled "An act fixing and regulating the fees com-
- 3 missions mileage and other costs chargeable by the sheriff in counties
- 4 of the second third fourth fifth sixth seventh and eighth classes for their
- 5 official acts and the services of their deputies watchmen appraisers and
- 6 other agents requiring prepayment of same unless secured or chargeable
- 7 to the county and delivery of itemized receipts therefor requiring cer-
- 8 tain payments by the county including the compensation of special depu-
- 9 ties providing for the taxation and collection of fees commissions mile-
- 10 age and other costs requiring salaried sheriffs to account to the county
- 11 for certain fees and commissions collected and repealing inconsistent

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1 laws general special or local" amended December 22 1955 (P L 900) are  
2 amended to read

3 Section 1 In all counties of the second third fourth fifth sixth  
4 seventh and eighth classes the fees and costs including commissions and  
5 mileage to be charged and received by the sheriff from persons or coun-  
6 ties requiring their services shall be as follows

7 (a) For receiving docketing and making return thereof for each  
8 writ of execution scire facias replevin retorno habendo summons foreign  
9 attachment [domestic attachment attachment execution] complaint in  
10 divorce distringas writ of sequestration writ of assistance satisfaction of  
11 mortgage injunction mandamus quo warranto bill in equity rule decree  
12 order citation subpoena series of interrogatories proclamation or official  
13 notice of any kind in any civil action criminal proceeding or public mat-  
14 ter issued out of any court or required by law or rule of court three dol-  
15 lars and seventy-five cents

16 For serving any such writ process or official notice required to be  
17 served by the sheriff personally or by copy served or posted three dollars  
18 and seventy-five cents

19 For each additional defendant or person served or copy posted one  
20 dollar fifty cents and mileage

**565—Printer's No.** 4

- 1 For making each copy served or posted one dollar fifty cents
- 2 For return of trade writ two dollars
- 3 For return of non est inventus two dollars and mileage
- 4 Provided however That no charge for service shall be made upon
- 5 an alias or pluries writ if the same has been charged upon the original
- 6 with respect to any defendant already served
- 7 For serving the same by publication in one or more newspapers as
- 8 required by law or order of court three dollars in each case in addition
- 9 to printer's bills
- 10 For serving any writ official notice petition rule decree process or
- 11 order of court or copy thereof not herein specially provided for he shall
- 12 charge and receive the same official fees and legal costs including mileage
- 13 as for a writ served in a similar way as hereinbefore provided in addi-
- 14 tion to any fee of the prothonotary chargeable against the sheriff in re-
- 15 lation thereto but no charge shall be made for any affidavit of such
- 16 service except the fee of the notary or other official administering the
- 17 oath or affirmation thereto For taking an affidavit one person fifty cents
- 18 two persons seventy-five cents three or more one dollar

1 (b) For executing writs of [levari facias fieri facias venditioni ex-  
2 ponas] execution or any writ or order issued out of any court requiring  
3 the levy and seizure of lands and tenements or selling the same accord-  
4 ing to law the following items to be paid by the plaintiffs or petitioners

5 For receiving docketing and making return thereof three dollars and  
6 seventy-five cents

7 For serving or posting any copy or notice thereof the fees and mile-  
8 age hereinbefore provided

9 For levying on each separate piece or parcel of land two dollars  
10 and mileage

11 For advertising to public sale in newspapers each piece or parcel  
12 of land three dollars in addition to printer's bills

13 For advertising to public sale by hand-bills each piece or parcel of  
14 land separately described by metes and bounds or otherwise three dollars  
15 and mileage in addition to printer's bills

16 For crying the sale of each separate piece or parcel of land sepa-  
17 rately sold and each adjourned sale two dollars

18 In addition the sheriff shall charge and receive as an official fee a  
19 commission charge of two cents on every dollar based upon the total  
20 amount bid for the property whether paid to the sheriff or credited to

**565—Printer's No.** 6

1 the purchaser Provided That the amount of same does not exceed one  
2 thousand dollars (\$1000) in which case one-half cent ( $\frac{1}{2}\text{¢}$ ) on every dol-  
3 lar in excess of this amount shall be charged in addition

4 For executing and acknowledging any deed for lands and tene-  
5 ments five dollars to be paid by the purchaser when the deed is tendered

6 For registering the same in any municipality one dollar fifty cents  
7 in addition to the fee required by law for registration to be paid by the  
8 purchaser

9 In addition the purchaser shall pay to the sheriff any fee of the  
10 prothonotary for the acknowledgment of the sheriff's deed and the fee  
11 of the recorder for recording same for which the sheriff shall account to  
12 them respectively

13 (e) For executing any writ of inquiry partition condemnation ap-  
14 praisement inquisition or any similar writ issued by any court alderman  
15 justice of the peace magistrate or commissioner under any act of As-  
16 sembly the following items to be paid by the party who procured same

17 For receiving docketing and making return thereof three dollars and  
18 seventy-five cents

- 1 For summoning parties or persons in possession personally or by  
2 copy served or posted for first service two dollars fifty cents
- 3 For each additional service personally or by copy or posting one  
4 dollar fifty cents and mileage
- 5 For making each copy served or posted one dollar fifty cents
- 6 For summoning and swearing special jurors five dollars
- 7 For holding inquisition or appraisement of real estate if same be  
8 held upon the premises six dollars and mileage to and from the place  
9 where same may be located in addition to jurors' experts' or surveyors'  
10 fees and necessary expenses
- 11 For other execution of any such writ five dollars
- 12 For serving the same by publication in one or more newspapers as  
13 required by law or order of court three dollars in addition to printer's  
14 bills
- 15 For delivering lands to plaintiff in inquisition or similar proceedings  
16 three dollars and mileage and no commission in such case shall be  
17 charged
- 18 (d) For executing [fieri facias domestic attachment foreign at-  
19 tachment] execution writs fraudulent debtors attachment retorno lia-  
20 bendo and replevin or any writ or order issued out of any court requiring

**565--Printer's No.** 8

1 the levy or seizure of personal property or selling the same according to  
2 law the following items to be paid by the parties procuring same

3 For receiving docketing and making return thereof three dollars and  
4 seventy-five cents

5 For serving or posting any copy or notice thereof the fees and mile-  
6 age hereinbefore provided

7 For each levy on personal property three dollars and seventy-five  
8 cents and mileage

9 For return of nulla bona one dollar fifty cents and mileage

10 For clerk hire at each sale whether on one or more writs against  
11 the same defendant two dollars fifty cents

12 For advertising personal property to public sale by hand-bills three  
13 dollars and seventy-five cents and mileage in addition to printer's bills

14 For adjourning any sale two dollars and mileage

15 In addition the sheriff shall charge and receive as an official fee a  
16 commission of two cents on every dollar based upon the total amount  
17 realized from said sale whether paid to the sheriff or credited to the pur-  
18 chaser on account of any writ Provided That the amount of same does  
19 not exceed one thousand dollars (\$1000) in which case one-half cent

1 (½¢) on every dollar in excess of that amount shall be charged in addi-  
2 tion.

3 For each watchman to take care of property attached levied upon  
4 or otherwise taken into legal custody when necessary or requested by  
5 any of the parties interested ten dollars for each period of eight hours to  
6 be considered a day's service and a proportionate sum for any fraction  
7 of such day to be payable to such watchman and collectible for his bene-  
8 fit by the sheriff from the party benefited thereby or person requiring  
9 his services in like manner as other legal costs payable to the sheriff may  
10 be collected

11 For insurance arranging goods for sale heat light power storage  
12 rent transportation supplies feeding livestock and similar expenses in-  
13 curred in caring for and keeping the goods and chattels levied upon or  
14 attached when the same are necessary or advantageous or when requested  
15 by any party interested to incur any such expenses the actual costs  
16 thereof to be paid by the plaintiff petitioner or party requiring same to  
17 be incurred provided any surplus of advances for same be refunded

18 (e) For the settlement or staying by the plaintiff of any writ em-  
19 braced in any section of this act relating to either lands and tenements

1 or personal property the execution of the same not being concluded the  
2 sheriff shall receive the same fees for receiving docketing and returning  
3 levying and advertising with mileage and such commission as would be  
4 chargeable if sale had been made upon said writ for the amount paid to  
5 settle or stay the same whether such sum be paid to him or to the plain-  
6 tiff or a compromise be made between plaintiff and defendant for the  
7 future payment of any sum to satisfy the same

8 For receiving and docketing each property claim wage claim rent  
9 claim or exemption claim three dollars and seventy-five cents to be paid  
10 by the claimant upon filing same with the sheriff or his deputy in addi-  
11 tion to any fee collectible by the prothonotary or clerk of any court for  
12 filing any notice petition or rule relating thereto

13 For the appraisement of personal property by virtue of any act  
14 of Assembly or at the lawful request of any party [~~four~~] six dollars  
15 and mileage Provided That in any case where the appraisement of  
16 a large quantity of goods or the services of experts shall be required  
17 the sheriff or any party may apply by petition to the court or a judge  
18 thereof having jurisdiction over said matter setting forth the facts and  
19 said court or judge may make an order fixing the sum to be allowed  
20 and paid to the sheriff for the compensation of the appraisers as the

1 proper cost of making such appraisement which sum so fixed and allowed  
2 shall be taxed as the sheriff's proper legal costs The plaintiff or peti-  
3 tioner in the proceedings shall pay for the making and filing of any  
4 appraisement required unless otherwise provided by law

5 For notifying the Auditor General of the proposed sale of the  
6 property or the franchise of any corporation or joint-stock association  
7 three dollars

8 (f) For executing venire facias or venire facias juratores issued  
9 out of any court the following items to be paid by the county

10 For receiving docketing and making return thereof on each venire  
11 three dollars and seventy-five cents

12 For any services of the sheriff in drawing names of jurors from  
13 the jury wheel and summoning such jurors or summoning any jurors  
14 drawn by any jury board or commissioner the sheriff shall be entitled  
15 to charge and receive from the county one dollar and mileage and  
16 necessary expenses for each juror drawn

17 (g) For executing writs of [habere facias liberari facias] execution  
18 dower possessionem or possessory process requiring the delivery of  
19 possession of real estate or ejecting or dispossessing any person or per-

1 sons of their effects six dollars and mileage and reasonable costs for  
2 help when necessary to preserve the peace or safeguard property in  
3 addition to the costs of sale when made to be paid by the party de-  
4 positing such writ or demanding possession

5 (h) For executing any process warrant capias attachment decree  
6 sentence or order of court issued out of any court where any person  
7 or the defendant's body is taken into custody to be paid by the county  
8 when the Commonwealth is interested otherwise by the party procur-  
9 ing such process writ order or decree as follows

10 For receiving docketing and making return thereof three dollars  
11 and seventy-five cents

12 For each arrest two dollars and mileage in addition to necessary  
13 help and expenses including the compensation of any special deputies  
14 required who shall be paid at the rate of ten dollars for eight hours'  
15 service

16 For transportation of each prisoner [~~ten~~] twelve cents per mile  
17 in addition to necessary help and expenses including the compensation  
18 of any special deputies required who shall be paid at the rate of  
19 ten dollars for eight hours' service

20 For each commitment to jail correctional institution asylum or

1 place of detention of any juvenile court in any criminal or civil case  
2 seventy-five cents to be paid by the county unless otherwise provided  
3 by law

4 For discharging any person or prisoner from any such place of  
5 confinement in any case seventy-five cents to be paid by the county

6 For executing bail-piece or taking bond in any matter whether  
7 civil or criminal two dollars to be paid by the person benefited unless  
8 otherwise provided by law

9 In addition the sheriff shall receive for the indictment in each oyer  
10 and terminer case the sum of four dollars and in each quarter sessions  
11 court or other county court case the sum of two dollars to be paid  
12 by the county

13 For each bill ignored by the grand jury two dollars to be paid  
14 by the county

15 For each case acted upon by any juvenile court two dollars to be  
16 paid by the county

17 For each non-support or desertion case acted upon by any court  
18 the sum of two dollars to be paid by the county

1 (i) Where the sheriff shall be in charge of any jail or prison or  
2 place of detention he shall be entitled to receive such allowance for  
3 the custody care and maintenance of prisoners and inmates as may be  
4 fixed by the courts or official boards of the respective counties having  
5 supervision of such institutions or as said courts or boards may approve  
6 upon itemized bills rendered from time to time to be paid by such  
7 county in addition to any compensation for his services fixed by law  
8 or by any court or official board authorized to fix such compensation

9 For removing an insane or weak minded or defective person to  
10 any institution for the confinement of any such persons or any person  
11 to the penitentiary workhouse Huntingdon Reformatory or to any  
12 charitable institution or any hospital school or home where persons  
13 are confined or detained or supported under any commitment sentence  
14 or order of any court three dollars and seventy-five cents on each com-  
15 mitment or order in addition to mileage and necessary expenses in-  
16 cluding the compensation of any special deputies required who shall  
17 be paid at the rate of ten dollars for eight hours' service to be paid  
18 by the county unless some other governmental body is chargeable  
19 therewith by law Provided however That the mileage for the person

1 in custody under commitment or order shall be based upon the miles  
2 actually traveled to his or her destination

3 (j) For attending court when required to do so by law or by any  
4 judge or district attorney or bringing into and removing therefrom  
5 prisoners for arraignment trial or sentence or witnesses held in custody  
6 the sum of fifteen dollars per day [for the sheriff of any second class  
7 county and ten dollars per day] for the sheriff [of any other county]  
8 and a like sum for each deputy for each day of oyer and terminer  
9 court quarter sessions court juvenile court or county court including  
10 the County Court of Allegheny County when the sheriff or deputy is  
11 actually present to be paid by the county

12 \* \* \*

13 (l) For service performed in his capacity as a conservator of the  
14 peace or police officer in suppressing riots mobs or insurrections and  
15 when discharging any duty requiring the summoning of a posse comi-  
16 tatus or special deputy sheriffs the sheriff shall receive per diem com-  
17 pensation at the rate of fifteen dollars in any county [of the second  
18 class and ten dollars in other counties] for eight hours' service together  
19 with the mileage and necessary expenses including subsistence for him-  
20 self and those under him to be paid by the county

1 For each special deputy appointed by any sheriff in case of any  
2 emergency to assist him in executing any civil or criminal process or  
3 court order or preserving the peace such sheriff may charge and shall  
4 receive from the county compensation for such deputy at the rate of  
5 fifteen dollars in any county [of the second class and ten dollars in  
6 any other county] for eight hours' service in addition to the expenses  
7 incurred for the transportation and subsistence of such deputy while  
8 rendering such service

9 (m) For mileage in serving or executing any of the writs official  
10 notices rules decrees orders or processes or copies thereof or perform-  
11 ing any of the duties or services herein specified or authorized by law  
12 the sheriff shall be entitled to charge and receive and may tax as  
13 official costs ~~{ten}~~ twelve cents a mile circular for each mile necessary  
14 to be traveled by him or any of his deputies or employes and the same  
15 shall be allowed upon each separate writ rule order decree process or  
16 notice served or service performed Provided That he shall not receive  
17 more than one mileage where the plaintiff and defendant in two or  
18 more contemporaneous writs are the same or when conducting two or  
19 more persons or prisoners at one time to or from a place of detention  
20 or correction but he shall also receive the aforesaid mileage for trans-

porting such prisoners and his deputies guarding them and meals and lodging during the journey and the return of his deputies

\* \* \*

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

.....  
Governor