

No. 34

AN ACT

HB 791

Amending the act of April 2, 1860 (P. L. 594), entitled "Supplement to the third section of the act of April six, one thousand eight hundred and thirty, entitled 'An Act for the levy and collection of taxes upon proceedings in courts,' et cetera," imposing an additional tax or cost upon the fees of the register of wills for the probate of wills, the issue of letters testamentary and the issue of letters of administration and the filing of accounts and upon the filing of trustees' and guardians' accounts in the orphans' court division of the court of common pleas of said counties, and changing references to the magistrate's court to refer to the municipal court of said counties.

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

Section 1. Section 1, act of April 2, 1860 (P. L. 594), entitled "Supplement to the third section of the act of April six, one thousand eight hundred and thirty, entitled 'An Act for the levy and collection of taxes upon proceedings in courts,' et cetera," amended September 28, 1967 (Act No. 136), is amended to read:

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the prothonotaries of the courts of all counties of the first class, *the clerks of the orphans' court division of the court of common pleas in said counties, and the registers of wills in said counties, as the case may be*, upon all original suits brought in said [county] counties, upon all entries of a judgment in said courts by confession, or otherwise, where suit has not been previously commenced and where no uniform sum has been otherwise established by legislation to include the tax for the purpose herein provided on the entry of every amicable action in said courts, upon filing of appeals from the [magistrate's] *municipal* court or other courts created hereafter in lieu thereof, upon the issuance or reissuance of every writ of execution by said courts, and upon every revival of a judgment, shall, in addition to the sums they are now entitled to receive under any other act, demand and receive for the use of the public law library of the Bar Association of said [county] counties or other nonprofit corporate body operating the public law library of said [county] counties if it be not operated by such Bar Association, the sum of one dollar and fifty cents (\$1.50) for each defendant named in said writs, appeals or judgments; *and, in addition, there is hereby imposed a tax upon all fees for the probate of wills, the issue of letters testamentary, the issue of letters of administration and the filing of accounts with the registers of wills and the filing of accounts of trustees and guardians in the orphans' court division of the court of common pleas in said counties, a sum equal to five per cent of*

the filing fees at the time in effect. Said prothonotaries, *clerks and registers of wills* shall be responsible for the said moneys, and shall render accounts and make payments monthly, to the treasurer of such Bar Association or nonprofit body, as the case may be, whose written receipts for the said moneys shall be the only legal discharge to the said prothonotaries, *clerks and registers of wills*, and the Secretary of the Commonwealth shall annually, and free of charge, distribute to the treasurer of each such Bar Association or nonprofit corporation, as the case may be, for the use of its library, sixty copies of the pamphlet laws of this Commonwealth for the purpose of enabling the said library to exchange a copy of the said laws for a copy of similar publications of other states and of the territories of the United States of America. Fees imposed under the provisions of this act shall not be imposed upon any such actions taken or initiated by any municipality or school district.

Section 2. If any provision or clause of this act, or application thereof to any person or circumstance is held invalid, the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby; and, to this end, the provisions of this act are declared to be severable.

Section 3. This act shall take effect on the first day of the next term of court in counties of the first class following enactment of this act.

APPROVED—The 30th day of June, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 34.

A handwritten signature in cursive script, appearing to read "Robert J. Kelley".

Secretary of the Commonwealth.