

Grain elevators,
spires, etc.

Provided also, That this section shall not apply to one-story buildings used only for working in noncombustible materials, and that nothing contained in this section shall prevent the erection of grain elevators, church spires, towers for observation purposes, and structures for similar uses; all of which structures shall be constructed in such manner and under such conditions as may be prescribed by the Bureau of Building Inspection.

APPROVED—The 20th day of May, A. D. 1921.

WM. C. SPROUL.

No. 362.

AN ACT

Relating to certain county officers in counties of the fifth class; providing for their salaries, and the compensation of deputies and clerks in the respective county offices; establishing a salary board, and defining its powers and duties; placing certain duties on the county commissioners, county controllers, and county auditors; requiring the payment into the respective county treasury of the fees of such county officers; and providing penalties for violation of this act.

Counties of the
fifth class.

Sheriffs and con-
trollers.

Fees and commis-
sions shall belong
to county.

Duty to collect
for county.

Account book.

Section 1. Be it enacted, &c., That in all counties of the fifth class, all fees, commissions, and emoluments, limited and appointed by law to be received by each and every county officer whose salary is fixed by this act, whether elected by the qualified voters of their respective counties or appointed according to law, which they shall be legally authorized, required, or entitled to charge or receive, shall belong to the county in and for which they are severally elected or appointed; and it shall be the duty of each of said officers to exact, collect, and receive all such fees, commissions, and emoluments, to and for the use of their respective counties, except such taxes and fees as are levied for the Commonwealth, which shall be to and for the use of the Commonwealth; and none of said officers shall receive for his own use, or for any use or purpose whatever, except for the use of the proper county or for the Commonwealth, as the case may be, any fees, commissions, or emoluments for any official services whatsoever.

Section 2. Each of said officers shall keep a special account book, the forms of which shall be prescribed by the controller or county auditors, in which entry shall be made of all moneys received for fees, commissions, and emoluments, of all moneys earned, and of all moneys chargeable upon any person or persons or upon the county, specifying the day and date, the title of the case, if any, for what service, and from whom received or due; and, on the first Monday of each month, each of said officers shall pay to the treasurer

of the proper county all fees, commissions, and emoluments, so received or so charged during the preceding month, taking duplicate receipts therefor; one of which he shall deposit with the county controller or the county auditors, together with a transcript in detail of his fee account book or books for the preceding month, to which he shall make oath or affirmation, before the county controller or the county auditors, that the said transcript contains a true and correct list of all the fees, commissions, emoluments, and moneys received, or earned and outstanding, or chargeable upon the county or against any person or persons for services rendered in his office, either by himself, deputies or clerks, during the preceding month; that the said fees were severally charged at legal rates; that he has not received and is not to receive, from any person or persons whatsoever, for any official service or duty, any other fees than those so entered on said transcript. And it shall be the duty of the county controller or the county auditors, on such first Monday of each month, to receive such returns, to audit and verify the same, and to do such other matters and things as may be required in the premises, to file said receipt and transcript in their office, and to charge the county treasurer with the money for fees so paid in. When fees are paid to one office which are for services rendered or to be rendered by another, the officer receiving the same shall specify the same on his account book and on his transcript as of the office to which they properly belong.

Payment to county treasurer.

Filing with county controller.

Oath.

Audit.

Fees paid to one office for services rendered by another.

The county controller or county auditors shall have power to examine under oath all officers whose accounts are filed pursuant to this act, their deputies, clerks, and any other persons, in relation to any matter touching or concerning the said accounts or any item therein contained, and shall have power to issue subpoenas to compel the attendance of any such officers, deputies, clerks, or other person or persons, whom it may be necessary to examine as witnesses.

Examination of officers whose accounts are filed.

Section 3. If any officer included in this act shall receive, or stipulate to receive, from any deputies or clerks appointed by him, or from any person or persons awarded any contract, any sum or sums of money as compensation for making any of the said appointments or contracts, or shall neglect to render the accounts required as aforesaid, or to pay over the moneys received for fees required by this act, or shall wilfully neglect to make any proper entry in the book or books required to be kept, or shall wilfully neglect to charge for any official services the fees allowed by law, or shall appropriate to his own use any such fees, or fail to comply with any of the provisions of this act, or neglect to discharge any of the duties herein imposed,—the

Violations.

Misdemeanor.

same shall be deemed a misdemeanor in office, and, in addition to the other penalties for such offenses, he shall, upon conviction thereof, refund the said sum or sums of moneys thus unlawfully received or appropriated to his own use or which he wilfully neglected to charge, and shall be deemed incapable of holding longer the said office.

Perjury.

Section 4. Any officer included in this act, or any other person, who shall wilfully swear or affirm falsely as to the accuracy of any account, transcript, or bill required in this act, or in making any affidavit in reference thereto, shall be deemed guilty of perjury, and, upon conviction thereof, shall be liable to the punishment prescribed by the laws of this Commonwealth for perjury; and any person who shall procure any other person to swear or affirm falsely in verifying any such account, transcript, or bill, or in making any affidavit in reference thereto, shall be deemed guilty of subornation of perjury, and, upon conviction thereof, shall be liable to the punishment prescribed by law for that offense.

Subornation of perjury.**Salaries.**

Section 5. All county officers, within the counties to which this act applies, whose salaries are fixed by this act, whether elected by the people or appointed according to law, and their several deputies and clerks authorized and their respective salaries designated by the salary board, shall be paid for their services by fixed and specific salaries, which shall be a charge upon the treasury of the county to which each such officer shall respectively belong. Said salaries shall be paid semi-monthly, on the second and fourth Mondays of the month succeeding that in which his services were rendered, but no warrant shall be drawn for the payment of any of the said officers, his deputies, or clerks, who shall not have filed the receipt and transcript for that month as provided for in this act.

Payment.**Deputies and clerks.**

Section 6. Each county officer whose salary is fixed by this act shall appoint and may dismiss the deputies or clerks of his office.

Salary board.**Personnel.****Duties.**

Section 7. The county commissioners and county controller or county auditors, in all the respective counties coming under the provisions of this act, are hereby constituted a salary board for their several counties respectively, whose duty it shall be to meet together, on the first Monday of January in each year and from time to time as they may be required by any of the county officers whose salaries are established by this act, and ascertain and determine the number of deputies or clerks required for the proper dispatch of business by each of such officers, and fix the salary of said clerks and deputies. Whenever said board is assembled to consider the case of any one of said officers, such officer shall sit as a member of the board so long as his case is under consideration and no longer, and a

decision of the majority shall govern. But if, after such decision is made, any officer or taxpayer shall think that the number of clerks or deputies is too few or too great, or the compensation fixed for either is too small or too large, as the case may have been determined by the board, he may appeal from the action thereof to the court of common pleas of the county in which he is an officer or taxpayer, which court shall hear and determine such appeal as promptly as possible, and its decision therein shall be final. Each of said boards shall keep a correct minute book of its proceedings in all cases heard and determined by it, which shall be a public record.

Appeals.

Section 8. All deputies and clerks, for county officers whose salaries are fixed by this act, receiving a salary, shall make oath or affirmation, before the county controller or county auditors or president of the board of county commissioners, that they have duly rendered services for which they claim a salary. Said salary shall be paid direct to the person entitled to receive the same, but not until the deputy or clerk has made oath or affirmation that at no time since his appointment has he paid directly or indirectly, nor has he at any time promised to pay at any time, any money or other thing of value because of such appointment to the county officer who appoints or retains such deputy or clerk.

Minute books.

Oaths to be taken by deputies and clerks.

Payment of salaries.

Section 9. All books, records, papers, and accounts, kept by any of the officers named or included in this act, shall be public records and open to the inspection of the county controller or county auditors, the county commissioners, or any taxpayer.

Books, records, and accounts.

Section 10. Each county to which this act applies shall, at the cost of the county, furnish the office, furniture, books, stationery, and supplies, required for the use of any of the officers included in this act or of any other county officer, and also all needed fuel and the services of a janitor, and pay the premium on the bonds of all officers affected by this act required for the safe-keeping and return of county money. This section does not apply to the county solicitor, the coroner, and the county surveyor.

Furniture and supplies.

Bonds.

Section 11. In such counties, the annual salaries of the following county officers shall be as follows, namely:

Amount of salaries.

Of the sheriff, four thousand dollars.

Of the county controller, where such office exists, three thousand five hundred dollars.

Sheriff.
Controller.

Section 12. The salaries fixed and provided by the foregoing section shall be in lieu of all or any moneys, fees, perquisites, or mileage, expenses, and other allowances which are now or may hereafter be received by or allowed to any such officer; and all said moneys,

Salaries shall be in lieu of fees, etc.

fees, mileage, or perquisites, received by any of them as compensation, fees, or perquisites, from any source whatsoever, shall in all cases belong to the county, and shall be paid into the county treasury (except where required to be paid to the Commonwealth) as provided in this act, but the necessary traveling expenses of the officers, incurred in the administration of their offices, shall be paid by the county.

Rights of actions and remedies.

Section 13. All rights of action, and all other remedies, heretofore granted or extended to said officers for the collection of their respective fees, are hereby extended, and shall inure to the benefit of the several counties affected by this act, for the collection of all fees and costs that may hereafter accrue to said counties under the provisions of this act.

When effective.

Section 14. This act shall take effect on the first Monday of January, one thousand nine hundred and twenty-two, but shall not be construed to apply to any officer in office at the date of the approval of this act, but all such officers shall be entitled to receive and collect the fees and salaries now provided by law for such office.

Repeal.

All laws or parts of laws, general, local, or special, inconsistent with this act, are hereby repealed, but shall remain in full force and virtue as to all actions and remedies at law begun or accruing prior to that date.

APPROVED—The 20th day of May, A. D. 1921.

WM. C. SPROUL.

No. 363.

AN ACT

Authorizing the merger and consolidation of water or water power companies organized prior to the first day of April, one thousand nine hundred and five, and providing the manner in which such merger shall be effected.

Water and water power companies.

Organized prior to April 1, 1905.

Section 1. Be it enacted, &c., That it shall be lawful for any water or water power company organized, prior to the first day of April, one thousand nine hundred and five, under the provisions of any general or special act of Assembly authorizing the formation of any corporation or corporations, to merge its corporate rights, franchises, powers, and privileges with and into those of any other water or water power company or companies, transacting the same or a similar line of business organized prior to the first day of April, one thousand nine hundred and five, so that by virtue of this act such corporation may consolidate, and so that all the property, rights, powers, franchises, and privileges, then by law vested in either of such corporations so merged, shall be transferred to and vested in the corporation into which such merger shall be made.

Merger and consolidation.