

Duty of district attorney and county commissioners in regard to collection of costs.

case is disposed of by the order of the court; and it shall be the duty of the district attorney and county commissioners to use all due diligence to collect the costs, in every case mentioned in this act, from the party made liable therefor by the sentence or order of the court, and to pay the same into the county treasury.

APPROVED—The 2nd day of July, A. D. 1953.

JOHN S. FINE

No. 71

AN ACT

To further amend the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by requiring corporate surety on certain bonds.

"The First Class Township Code."

Sections 602, 801, 1101, 1202, 1302, and Clause IV of section 1502, act of June 24, 1931, P. L. 1206, as reenacted and amended by act of May 27, 1949, P. L. 1955, further amended.

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

Section 1. Sections 602, 801, 1101, 1202, 1302 and Clause IV of section 1502 of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as reenacted and amended by the act, approved the twenty-seventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1955), are hereby further amended to read as follows:

Section 602. Bonds.—When any officer or employe of any township is required to give bond for the faithful performance of his duties, *such bond shall be with a surety company or other company authorized by law to act as surety, and* the township may pay the premium on such bond.

Section 801. Fidelity Bond.—The treasurer of each township shall give a fidelity and not a surety bond to the Commonwealth in a sum to be prescribed by ordinance or resolution and at least equal to fifty per centum of the probable amount of the annual township tax. Such bond shall be subscribed [by sureties approved by the township commissioners, or] by a surety company or companies duly authorized to do business in this Commonwealth. The bond given by the treasurer shall be conditioned on a just accounting for and paying over all moneys belonging to the township funds that may come into his hands, as treasurer, from taxation or otherwise, for the payment over thereof only in the manner prescribed by law, for the delivery to his successor in

office of all papers, books, documents, and other things held in right of his office, for the payment to such successor of any balance in money remaining in his hands or charged against him in the settlement of his accounts, and that, as tax collector of township, county, poor, institution district, and school taxes, he shall account for and pay over all moneys received by him as taxes, penalties and interest. The township treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items, contained in the duplicates delivered to him, are either— (1) collected and paid over to the proper taxing district; or (2) set forth in schedules filed with or certified to the proper tax authorities; or (3) returned to the county commissioners for sale of the real estate by the county treasurer, or returned in accordance with the Real Estate Tax Sale Law approved July 7, 1947, Pamphlet Laws 1368; or (4) in the case of occupation, poll, and per capita taxes, accounted for by payment over or by exoneration which shall be granted by the taxing district upon oath or affirmation that as tax collector he has complied with section 20 of the Local Tax Collection Law approved May 25th, 1945, (Pamphlet Laws 1050). The township treasurer shall be required to give but one bond, which shall include his duties as township treasurer and collector of township, county, school, institution district, and poor taxes, and shall cover the full term of his office. Should the township, county, school district, institution district or poor district be of the opinion at any time, that the bond given is not sufficient, additional security may be required to be given at the expense of the taxing district requiring the same. The treasurer shall not, in any event, be required to give bond or bonds aggregating an amount in excess of the taxes to be collected by him. The bond or bonds given by the township treasurer shall be for the use of the township, the county, the institution district, and the school district. Said bond shall be filed with the township commissioners.

Section 1101. Oath and Bond of Controller.—The township controller, where such office has been created, shall, before entering upon the duties of his office, take and subscribe the oath prescribed by this act for township officers, and shall give bond to the township, [with two or more sureties, or] with a surety company or *other company authorized by law to act as surety*, to be approved by the board of commissioners, in the sum of twenty thousand dollars, conditioned for the faithful discharge of his duties, and to adequately protect the township from any illegal or unfaithful action by the controller. The cost of such bond shall be paid by the township.

The township controller may, at the instance of a taxpayer, and by rule upon him for that purpose, be compelled to justify his bond as to the amount thereof [and the responsibility of the sureties] before the court of common pleas.

Section 1202. Bond.—The township solicitor shall, if the board of commissioners so requires, give a bond to the township, with [two or more sureties, or one bonding company] *a surety company or other company authorized by law to act as surety*, to be approved by the board of commissioners, in such sum as it shall by ordinance or resolution direct, conditioned for the faithful performance of his duty.

Section 1302. Bond.—The township engineer shall, if the board of commissioners so requires, give a bond to the township, with [two or more sureties, or one bonding company] *a surety company or other company authorized by law to act as surety*, to be approved by the board of commissioners, in such sum as it shall by ordinance or resolution direct, conditioned for the faithful performance of his duty.

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power—

* * * * *

IV. Township Manager. To create, by ordinance, the office of township manager, and in like manner to abolish the same.

The powers, duties, term of office, and compensation of the township manager shall be regulated by ordinance. The commissioners may delegate, subject to recall, any of their respective non-legislative and non-judicial powers and duties to the township manager. He shall, if required by the township commissioners, give a bond to the township, with [one or more sureties, or one bonding company] *a surety company or other company authorized by law to act as surety*, to be approved by the commissioners, in such sum as it shall, by ordinance or resolution, direct, conditioned for the faithful performance of his duties.

APPROVED—The 2nd day of July, A. D. 1953.

JOHN S. FINE

No. 72

AN ACT

To further amend the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by requiring corporate surety on certain bonds.