

Arbitrations and Proceedings in Courts of Justice.

Section 8, act of March 21, 1806. P. L. 558, 4 Sm. L. 326, amended.

Duties enjoined on prothonotaries.

Their compensation.

In County of Philadelphia.

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

Section 1. Section 8, act of March 21, 1806 (P. L. 558, 4 Sm. L. 326), entitled "An act to regulate Arbitrations and Proceedings in Courts of Justice," is amended to read:

Section 8. And be it further enacted by the authority aforesaid, That it shall be the duty of the prothonotaries, respectively, on the application of any persons willing to become parties in an amicable suit, to enter the same without the agency of an attorney, and when thereunto required, and on confession in writing, executed in presence of two or more witnesses, expressing the amount due to the plaintiff, (which confession shall be filed in his office), he shall enter judgment against the defendant, for the amount expressed as aforesaid, with stay of execution as may be agreed upon by the parties and the prothonotary shall receive fifty cents, for every such entry, to be paid by the defendant in the suit, and when any suit is ended, the clerk of the court before which it was pending, shall on the request of the plaintiff expressed in writing, enter satisfaction thereon.

In the County of Philadelphia, when the amount of the judgment is not more than the maximum amount over which the Municipal Court has original jurisdiction, the judgment shall be entered in the Municipal Court.

APPROVED—The 10th day of June, A. D. 1957.

GEORGE M. LEADER

No. 144

AN ACT

Amending the act of May 16, 1923 (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act, and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," requiring the filing of certain municipal claims in the Municipal Court of Philadelphia.

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

Liens for taxes,
etc.

Section 1. Section 9, act of May 16, 1923 (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act, and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," amended May 4, 1927 (P. L. 729), May 4, 1927 (P. L. 733), and May 16, 1945 (P. L. 592), is amended to read:

Section 9, act of
May 16, 1923,
P. L. 207,
amended May 4,
1927, P. L. 729,
May 4, 1927,
P. L. 733, and
May 16, 1945,
P. L. 592, fur-
ther amended.

Section 9. Claims for taxes, water rents or rates, lighting rates, power rates, and sewer rates, must be filed in the court of common pleas of the county in which the property is situated *unless the property is situate in the City of Philadelphia and the taxes or rates do not exceed the maximum amount over which the Municipal Court of Philadelphia has original jurisdiction, in which event the claim must be filed in the Municipal Court of Philadelphia* on or before the last day of the third calendar year after that in which the taxes or rates are first payable; and other municipal claims must be filed in said court of common pleas or the Municipal Court of Philadelphia within six months from the time the work was done in front of the particular property, where the charge against the property is assessed or made at the time the work is authorized; within six months after the completion of the improvement, where the assessment is made by the municipality upon all the properties after the completion of the improvement; and within six months after confirmation by the court, where confirmation is required; the certificate of the surveyor, engineer, or other officer supervising the improvement, filed in the proper office, being conclusive of the time of completion thereof, but he being personally liable to anyone injured by any false statement therein. Where a borough lies in more than one county, any such claim filed by such borough may be filed in each of such counties. In case the real estate benefited by the improvement is sold before the municipal claim is filed, the date of completion in said certificate shall determine the liability for the payment of the claim as between buyer and seller, unless

Time for filing
claims.

Certificate.

- Interest.** otherwise agreed upon or as above set forth. The legal rate of interest shall be collectible on all municipal claims from the date of the completion of the work after it is filed as a lien, and on claims for taxes, water rents or rates, lighting rates, or sewer rates from the date of the filing of the lien therefor.
- Form of claims.** Claims for taxes may be in the form of written or type-written lists showing the names of the taxables and descriptions of the properties against which said claims are filed, together with the amount of the taxes due such municipality. Such lists may be filed on behalf of a single municipality, or they may cover the unpaid taxes due any two or more municipalities whose taxes are collected by the same tax collector, provided the amounts due each municipality are separately shown. All tax claims, heretofore filed in such form, are hereby ratified, confirmed, and made valid subsisting liens as of the date of their original filing.
- More than one year's taxes may be included in claim.** A number of years' taxes or rates of different kinds, if payable to the same plaintiff, may be included in one claim. Municipal claims shall likewise be filed within said period, where any appeal is taken from the assessment for the recovery of which such municipal claim is filed. In such case the lien filed shall be in the form hereinafter provided, except that it shall set forth the amount of the claim as an undetermined amount, the amount thereof to be determined by the appeal taken from the assessment upon which such municipal claim is based, pending in a certain court (referring to the court and the proceeding where such appeal is pending). Upon the filing of such municipal claim, the claim shall be indexed by the prothonotary upon the judgment index and upon the locality index of the court, and the amount of the claims set forth therein as an undetermined amount.
- Appeals.** If final judgment is not obtained upon such appeal within five years from the filing of such municipal claim, the claimant in the lien shall, within such period of five years, file a suggestion of nonpayment, in the form hereinafter set forth, which shall have the effect of continuing the lien thereof for a further period of five years from the date of filing such suggestion. Such municipal claim shall be revived in a similar manner, during each recurring period of five years thereafter, until final judgment is entered upon said appeal and the undetermined amount of such municipal claim is fixed in the manner hereinafter provided.
- Suggestion of nonpayment.**
- Revival of claim.**
- Final judgment.** When the final judgment is obtained upon such appeal, the court in which said municipal claim is pending shall, upon the petition of any interested party, make an order fixing the undetermined amount claimed in such claim

at the amount determined by the final judgment upon said appeal, which shall bear interest from the date of the verdict upon which final judgment was entered, and thereafter the amount of said claim shall be the sum thus fixed. Proceedings upon said municipal claim thereafter shall be as in other cases.

Where, on final judgment upon said appeal, it appears that no amount is due upon the assessment for the recovery of which such claim is filed, the court in which such municipal claim is pending shall, upon the petition of any interested party, make an order striking such municipal claim from the record, and charge the costs upon such claim to the plaintiff in the claim filed.

Striking of claim from record.

Where such appeal is discontinued, the court in which such municipal claim is pending shall, upon the petition of any interested party, make an order fixing the undetermined amount claimed at the amount of the original assessment, which shall bear interest from the date that such assessment was originally payable, and thereafter the amount of such claim shall be the sum thus fixed.

Discontinuance.

Section 2. Section 39 of the act is amended to read:

Section 39, act of May 16, 1923, P. L. 207, amended.

Section 39. From any definitive judgment, order, or decree, entered by the court of common pleas or the *Municipal Court of Philadelphia* under any of the provisions of this act, or from the refusal to open a judgment entered by default, an appeal may be taken by the party aggrieved to the Supreme or Superior Court as in other cases.

Appeals.

APPROVED—The 10th day of June, A. D. 1957.

GEORGE M. LEADER

No. 145

AN ACT

To amend the act approved the twenty-eighth day of April, one thousand nine hundred thirty-seven (Pamphlet Laws 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and