

of each district affected thereby at the next general or municipal election to be held at least ninety (90) days after the presentation of said petition. The question to be submitted to the electors shall be framed by the court and be by it certified to the county commissioners for submission to the electors of each district affected thereby. Such submission shall be in accordance with the laws of this Commonwealth relating to the submission of similar questions.

If a majority of the electors of each school district voting therein shall be in favor of merger, as shown by the returns of the election, a certificate of the returns shall be filed with the Superintendent of Public Instruction, the prothonotary of the court of common pleas, the county board of school directors, and the board of school directors of each of said school districts. The merger shall become effective on the first Monday in July next succeeding the election. The merger shall be effective as to only those districts in which a majority of the electors voting on the question shall have assented to the merger. If the electors do not assent to the merger, *the same or revised plans* [shall] *may* be submitted within five years in accordance with the foregoing procedure.

APPROVED—The 8th day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 640

AN ACT

To ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third class; to provide the time of paying the same; and to repeal certain acts.

Prothonotary
fees in counties
of third class.

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

Fees.

Section 1. The fees to be received by the prothonotary of the court of common pleas of this Commonwealth in counties of the third class shall be as follows:

Docketing every complaint or agreement for an amicable action in assumpsit or trespass where no writ issues, and entering return of service where service made, not more than three names, \$3.50, and for each additional name, \$1.00, reinstatement of complaint, \$2.00.

Issuing every writ of summons in assumpsit and trespass, docketing same and entering return of service, not more than three names, \$3.50, and for each additional name, \$1.00. Docketing complaint where action commenced by writ, \$2.00, reissuance of writ, \$2.00.

Docketing every complaint or agreement for an amicable action in ejectment or action to quiet title where no writ issues, entering return of service where service made, indexing in ejectment docket not more than three names, \$5.50, and for each additional name, \$1.00, reinstatement of complaint, \$2.00.

Issuing every writ of summons in ejectment, docketing same, entering return of service, and indexing in ejectment docket, not more than three names or more than one description, \$5.50, and for each additional name or description, \$1.00. Docketing complaint where action commenced by writ, \$2.00, reissuance of writ, \$2.00.

Docketing every complaint or agreement for an amicable action in mandamus or quo warranto, and entering return of service where service made, not more than three names, \$5.50, and for each additional name, \$1.00, reinstatement of complaint, \$2.00.

Issuing writ of replevin with or without bond, docketing same, and entering return of service or docketing complaint, where action without bond commenced by complaint, and entering return of service, not more than three names or more than one description, \$4.50, for each additional name or description, \$2.00, filing bond, \$2.00, filing counter bond, \$2.00, reissuance of writ or reinstatement of complaint, \$2.00.

Issuing any other writ of summons or capias, docketing same, and entering return of service, not more than three names without complaint, \$3.75, with complaint, \$4.00, and for each additional name, 50 cents.

Issuing every writ of scire facias sur mortgage or mechanics's lien, not more than three names or more than one description, \$4.50, and for each additional name or description, \$1.00.

Issuing and docketing every writ of foreign attachment, and entering return of service, not more than three names, \$4.50, and for each additional name, \$1.00.

Entering any other amicable action, filing papers, and making docket entries, not more than three names, \$4.00, and for each additional name, \$1.00.

Issuing every writ of certiorari, docketing same, not more than three names, \$4.50, and for each additional name, \$1.00.

Issuing and docketing attachment execution, or mandamus execution, or alias attachment execution, or alias mandamus execution, not more than three names, \$4.00, and for each additional name, \$1.00.

Petition or complaint in divorce, docketing and filing papers, issuance of subpoena, and entering return of service, \$8.00, alias subpoena, \$2.00, order of publication, \$2.00, application for maintenance or alimony, \$2.00, filing and docketing rule for and final decree, \$2.00, entering decree in minute book and in index docket,

\$2.00, certificate of divorce under seal, \$4.00, receiving, disbursing and accounting for deposit in divorce, \$2.00.

Issuing writ of scire facias or alias scire facias on lien, claim, judgment to revive, judgment sur bail, in error, sur recognizance, sur certificate to the orphans' court, to executors and administrators of deceased party, to garnishee in foreign attachment, or on bill of discovery, \$4.00.

Filing and docketing any bill in equity, including bills to perpetuate testimony, rules to appear and answer, and order of court thereon, not more than three names, \$5.50, and for each additional name, \$1.00, issuing injunction writ, \$3.00.

Filing and docketing appearance, or answer, or preliminary objection, or other pleading (not a complaint), or petition in an action at law or equity (excluding divorce), each \$1.00.

Issuing venire, each case upon the jury trial list to be paid by the county, \$2.00.

Suggesting death, or a party diminution record, or amending record, \$1.00.

Framing an issue in any action, \$3.00.

Entering motions, \$1.00.

Filing and docketing all orders of court matters originating with the court to be paid by the county, \$4.50.

Filing praecipe for jury trial list, \$1.00.

Placing case upon the argument list, \$1.00.

All services during the trial of a cause, including swearing of jury, and witnesses per day or fraction thereof, \$5.00.

All services, per day or fraction thereof in court, to be paid by the county per clerk, \$12.00.

Administering and filing oaths of all county employes, including deputies and clerks to be paid by the county per oath, \$2.00.

Filing and entering agreement to refer to referee, including entering judgment, not more than three names, \$4.00, for each additional name, \$1.00.

Entering rule of reference, appointment of arbitrators, and service incident thereto, \$4.50.

Filing and entering report of arbitrators, including judgment docket entry, not more than three names, \$3.00, for each additional name, \$1.00.

Filing and docketing appeal from award of arbitrators, \$3.00.

Entering discontinuance of suit, \$3.00.

Entering judgment on bond and warrant of attorney upon confession by defendant for want of an appearance, plea or want to an answer, or affidavit of defense, or sufficient answer, or affidavit of defense on verdict, demurrer, including judgment index entry, not more than three names, \$4.00, for each additional name, \$1.00.

For each affidavit to a sheriff's return, \$1.00.

Entering satisfaction of judgment, \$2.00.

Entry of assignment or release of lien or judgment, each property, \$2.00.

For each property description additional not otherwise provided for, \$1.00.

Each attestation, affirmation, *acknowledgment or affidavit, not otherwise provided for, \$1.00.

Filing and entering appeal from report of auditors, \$4.00.

Filing and entering appointments made by the court to be paid by the county, \$6.00, certificate of appointment to be paid by the county, \$1.00.

Filing bonds and oaths of justice of the peace, to be paid by the county, \$2.00.

Entry of bail-piece, \$2.50.

Filing corporate charter, petition for change of corporate name, or alteration, or amendment of charter, for merger, co-partnership or dissolution of partnership, \$6.00.

Certifying copy of any paper, first page, \$2.00, each additional page, \$1.00.

Entering, docketing and making return of certiorari to Supreme or Superior Court, filing bond, and filing and docketing remittitur therefrom, \$6.00.

Commission to take testimony, entering return, and notifying each party of return of commission, \$3.50.

Writ of habeas corpus, and all proceedings, \$6.00, to be paid by the county where proceeding is for release of prisoner.

Docketing decrees nisi, adjudications, decisions, and final orders and decrees (except in divorce), \$3.00, if accompanied by opinion of court, \$4.00.

Docketing other orders of court (unless otherwise specified herein) in cases pending, \$3.00, if accompanied by court opinion, \$4.00.

Drawing and delivering attested certificates of appointment in cases commenced or pending (except divorce), each \$2.00 per page, in matters originating with the court, to be paid by the county, each \$2.00 per page.

Administering oaths to court appointees, to be paid by county, each \$1.00.

Certifying payroll of tipstaves, to be paid by the county, each certificate \$1.00.

Entering, indexing, and docketing judgments against tax collectors, to be paid by the county, each \$4.00.

Entering and docketing exemplification of record not more than three names, \$3.50, and for each additional name, \$1.00.

Entering and filing mechanic's lien, one description

* "acknowledgement" in original.

and not more than three names, \$4.00, and for each additional description, or name, \$1.00.

Entering and filing building agreement, one description, not more than three names, \$4.00, and for each additional description, or name, \$1.00.

Drawing special jury; striking same, and copies to parties, \$2.00.

Certificate for pay for jurors, whether serving or not, to be paid by the county, \$1.00.

Rule for interrogatories, and entering return of service, each garnishee, \$2.00.

Reporting election of justices of the peace to the Secretary of the Commonwealth, to be paid by the county, each \$2.00.

Filing and docketing petition for the appointment of a guardian, or commission de lunatico, and for inquisition in re habitual drunkard, for the appointment of a committee in insolvency, for sale of unclaimed goods, or other petitions in connection with any proceedings, including order of court thereon, and filing and docketing all petitions not otherwise herein specified, \$4.50.

Issuing commission in lunacy, and entering return, \$2.00.

Writ to sheriff in lunacy, \$2.00.

Entering confirmation of inquisition and appointment of committee in lunacy, \$2.00.

All services on sale of lunatic's, habitual drunkard's estate, including filing account of committee, \$4.50.

Filing each subsequent account, \$2.00.

Filing and docketing other documents in said proceedings, each \$1.00.

Entry of motion and order of court for admission of attorney-at-law, and certificate thereof, to be paid by the county, \$6.00.

Issuing attachment for contempt, and motion therefor, to be paid by the county, each \$3.00.

Certificate of notary public, \$1.00.

Administering oath, other than on the trial of a case, \$1.00.

Posting and filing disbarments of attorneys of all county and State courts, to be paid by the county, \$2.00.

Filing power of attorney to satisfy judgments, \$1.00.

Issuing every writ, alias or pluries, writ of fieri facias, \$2.50.

Issuing every writ, alias or pluries, writ of venditioni exponas, levari facias, habere facias, capias ad satisfaciendum, one description, \$2.50, and for each additional description, \$1.00.

Preparing and posting civil trial list, and argument list, to be paid by the county, each \$6.00.

Entering revival of judgment by agreement, \$3.50.

Entering testatum fi. fa., ca. sa., or vend. ex., \$2.50.

- Issuing testatum fi. fa., ca. sa., or vend. ex., \$2.50.
- Filing and docketing petition or proceeding for a sheriff's, or other inter-pleader, including orders of court thereon, \$4.50.
- Entering transcript of judgment, or appeal from justice of the peace, or magistrate, including docket entries, \$3.00.
- Filing visitation reports, to be paid by the county, each \$4.00.
- Entering satisfaction upon judgment and locality indexes, each entry, \$2.00.
- Entering appointments of guardian ad litem, \$2.00.
- Filing and docketing petition for the appointment of viewers, filing report, and confirmation, \$6.00.
- Proclamation, \$2.50.
- Filing and docketing mental health petitions, to be paid by the county, \$6.00.
- Registration of student-at-law, physician, veterinarian, or dentist, \$2.00.
- Taxing bill of costs, \$1.00.
- Filing exceptions, and rule to re-tax bill of costs, and filing report thereon, \$2.00.
- Re-taxing bill of costs, each hour, \$2.50.
- Taking testimony thereon, per hundred words, \$1.00.
- Taking a recognizance, \$1.00.
- Filing and docketing petition and report of trustee's sale, to be paid by the county, \$12.00.
- Entering a rule to take depositions, \$2.00.
- Issuing a subpoena under seal, \$1.00.
- Filing and docketing petition for sale of real estate by county commissioners, to be paid by the county, \$9.50.
- Making search for liens in judgment docket index for five years last past, \$2.00.
- Making search in any other docket for five years last past, \$1.00.
- Each reference found, or each reference cited, 50 cents.
- Acknowledgment of sheriff's or treasurer's deed, including all docket entries incident thereto, \$4.00.
- Filing and docketing suggestions sur municipal lien, \$2.00.
- Filing and docketing petition for registration of an elector, to be paid by the county, \$6.00.
- Receiving and distributing money paid into court, for each dollar under one thousand dollars (\$1,000), 3 cents, and for each dollar between one thousand dollars (\$1,000) and two thousand dollars (\$2,000), 2 cents, and for each dollar over two thousand dollars (\$2,000), 1 cent.
- Recording any document required by law to be recorded, per one hundred words, \$1.00.
- Drawing, filing and docketing, bond and justification thereon, including seal, and oath, \$3.00.

Filing petition for appointment of overseers, and certificate to be paid by the county, each \$6.00.

Filing and docketing account or report of assignee, auditors, trustees, committee, sequestrator, master, or examiner, \$4.00.

Transcribing report per one hundred words, \$1.00.

Filing, docketing, and all proceedings in assignment for the benefit of creditors, up to and including bond, and justification of assignee, and surety, \$6.00.

Filing and docketing appeal from award of jury of view, \$3.00.

Issuing and docketing order of sale in partition, \$4.50.

Certifying judgments to county commissioners for personal property tax purposes, to be paid by the county, \$1.00 each.

Indexing suit against a decedent's estate, \$1.00.

Filing and indexing sheriff's certificate of attachment upon real estate, \$2.00.

Certificate to exemplification of record under act of Congress, \$2.00.

Certifying satisfactions to county commissioner's office for personal property tax purposes, to be paid by the county, \$1.00 each.

Entering transcript from the orphans' court of amount due by executors, administrators or guardians, each entry, \$4.00.

Certifying assignments of judgments to county commissioner's office for personal property tax purposes, to be paid by the county, \$1.00 each.

Entry of precept from the orphans' court, \$4.00.

Each entry upon locality index, \$1.00.

Administering and filing oaths to members of election computation boards, to be paid by the county, each \$1.00.

Administering and filing oaths to jury commissioners, \$1.00, to be paid by county.

Filing controllers' report, to be paid by the county, \$12.00.

Filing war veterans' peddler's license, to be paid by the county, \$6.00.

Serving and returning decree nisi, \$4.00.

Filing any paper not above specified, 50 cents.

Entering, indexing and docketing of each name required by law to be entered, indexed and docketed, \$1.00.

Entering of satisfaction of any recorded items, \$2.00.

The fee for services not herein specially provided for shall be the same as for similar services: Provided, That the fees hereinbefore enumerated shall be exclusive of any State tax now levied or that may hereafter be levied.

Section 2. The prothonotary shall not be required to issue any writ, docket any order of court, or entering any judgment thereon, or perform any service whatsoever, until the requisite fee is paid.

Payment of fee condition precedent to service.

Section 3. The act of June 28, 1947 (P. L. 983), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties of the third, fourth, fifth, sixth, seventh and eighth classes; to provide the time of paying the same; and to repeal all acts inconsistent herewith," is repealed in so far as it applies to counties of the third class.

Specific repeal.
General repeal.

Section 4. All acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 8th day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 641

AN ACT

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," validating certain unions of school districts.

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

Public School Code of 1949.

Section 1. The act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," is amended by adding, after section 254, a new section to read:

Act of March 10, 1949, P. L. 30, amended by adding a new section 255.

Section 255. Validation of Certain Union School Districts.—The union of any school district with another district or districts prior to the effective date of this act is hereby ratified and confirmed, and is hereby constituted a valid union school district under the terms of this act notwithstanding the fact of any lack or failure of compliance with the provisions of this act relating to the formation and establishment of a union school district. The provisions of this section shall not apply to any union which has been set aside by judicial action or which has been made the subject of litigation in any court of the Commonwealth instituted prior to the passage of this section and still pending and undetermined.

APPROVED—The 8th day of December, A. D. 1959.

DAVID L. LAWRENCE