

PRESERVATION OF RECORDS IN PUBLIC OFFICES

Act of Mar. 29, 1827, P.L. 154, No. 75

Cl. 16

AN ACT

For the better preservation of the records contained in the public offices of the several counties of this commonwealth.

**Compiler's Note:** Section 2(a) of Act 53 of 1978 provided that Act 75 is repealed except insofar as it relates to recorders of deeds.

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 from and after the passage of this act it shall be the duty of the commissioners of the several counties of this commonwealth, whenever it shall be deemed necessary by the court of common pleas, or district court, of the proper county, to cause to be copied or transcribed in a fair and legible manner, any dockets or books of record contained in the several public offices, in their respective counties, to be paid for out of the county funds, by orders drawn by the commissioners on the treasurer of the proper county.

Section 2. And be it further enacted by the authority aforesaid, That when said copies shall have been completed, it shall be the duty of the proper officer of the department, to which such book or books belong, to certify at the end of the same, that it is a true and correct copy of the original, and shall affix the seal of his office thereto.

Section 3. And be it further enacted by the authority aforesaid, That from and after the first day of July next, it shall be the duty of each of the prothonotaries of the several courts of common pleas, district courts, and circuit courts, in this commonwealth, to make, prepare and keep a docket, to be called the judgment docket, in which said docket no case shall be entered until after there shall have been a judgment or award of arbitrators in such case, and into which shall be copied the entry of every judgment and every award of arbitrators, immediately after the same shall have been entered; which entries, so to be made in the said judgment docket, shall be so made that one shall follow the other in the order of time in which the said judgments and awards shall have been rendered, entered, or filed, as aforesaid; and the entries in each case in said judgment docket shall particularly state and set forth the names of the parties, the term and number of the case, and the date, and in case the judgment shall be for a sum certain, the amount of the judgment or award; and when any judgment shall be revived by scire facias, or otherwise, or when any execution shall issue in any case, a note thereof shall be made in the proper judgment docket, at the place where the other entries in such case may have been made; and whenever any transcript of any testatum execution, or any transcript, shewing the balance appearing to be due, from any executor, administrator, or guardian, or from any collector of any township, ward or

district, shall be delivered to any of the said prothonotaries, the docket entries made in such case shall be copied into the said judgment docket, in like manner as judgments and awards are herein directed to be copied; and the fee for all the entries made in each case, in the judgment docket, shall be twelve and an half cents, and no more.

Section 4. And be it further enacted by the authority aforesaid, That on or before the first day of October next, and at least once in each and every year thereafter, it shall be the duty of each of the aforesaid prothonotaries, and of each of the clerks of the several courts of quarter sessions of the peace, and of each of the clerks of the several orphans' courts, and of each of the recorders of deeds and registers of wills, in the several counties of this commonwealth, to submit the books of records belonging to their several offices, to the inspection of the judges of the court of common pleas of the proper county, and it shall be the duty of the said court to order and direct such of the said books, as in their opinion may require it, to be bound anew, and also in all cases where the same may be wanting, to order and direct full and complete indexes of the matters contained in said books, to be made and prepared within such time as the said court may think reasonable.

Section 5. And be it further enacted by the authority aforesaid, That for each and every of the books of records belonging to the several offices of the prothonotaries aforesaid, there shall be made, prepared and kept, at least two indexes of the matters contained in such books, one of which said indexes, shall among other things, contain the names of plaintiffs, and the other the names of defendants, so arranged as to afford an easy and ready reference to said matters. And there shall also for each and every of the books belonging to the several offices of the recorders of deeds aforesaid, in which deeds or mortgages may be recorded, be prepared and kept, two indexes, one in which the names of grantors or mortgagors, and one in which the names of grantees or mortgagees, as the case may require, shall be so arranged as to afford an easy and ready reference to the matters in said last mentioned books.

Section 6. And be it further enacted by the authority aforesaid, That the expense of binding all such books as shall be bound in compliance with the provisions of this act, and of making and preparing all such indexes as aforesaid, shall be paid out of the county treasury of the proper county, by warrants drawn by the county commissioners upon the treasurer of such county: Provided, That no officer mentioned in this act, shall receive from the county funds, any pay or compensation for any index or indexes by him made, of any matters or things which may have been recorded in his office after the passage of this act.

Section 7. And be it further enacted by the authority aforesaid, That it shall further be the duty of each and every of the officers mentioned in the fourth section of this act, to make, prepare and keep in their several offices all such indexes as are by this act directed to be made, prepared and kept, and if any such officer shall refuse or neglect to make, prepare and keep, any such index as aforesaid, and shall be thereof

convicted, the court of quarter sessions of the peace of the proper county, shall for every such offence impose a fine upon such officer, of not less than ten or more than fifty dollars, for the use of such county, the payment of which fine shall be enforced as the payment of other fines imposed by said courts are now enforced; and if any such officer shall at the expiration of his term of office, have neglected to make, prepare and keep such indexes as aforesaid, for the time or any part of the time, he may have been in office, the county commissioners of the proper county shall direct the official bond or recognizance of such officer to be put in suit, for the use of the county, and such suit or suits shall be proceeded in, as is done in other cases of suits upon official bonds or recognizances, and there shall be recovered in such case or cases, for the use of the county, the amount of the cost and charges of making and preparing such index or indexes as may as aforesaid be wanting, besides costs of suit; and any prothonotary who shall neglect to prepare and keep the judgment docket, directed to be prepared and kept by this act, shall be liable to like fines and suits upon his official bond or recognizance, as he would be for refusing or neglecting to make, prepare and keep the indexes which this act makes it his duty to make prepare and keep. And in such last mentioned case or cases, there shall be recovered for the use of the proper county, a sum or sums sufficient to pay the cost and charge of making and preparing such judgment docket, for and during the time such prothonotary shall have neglected to prepare and keep the same.