

ELECTION OF CONSTABLE AND COLLECTOR
Act of Mar. 1, 1867, P.L. 306, No. 286
An Act

Cl. 25

To authorize the election of an officer, to be called constable and collector, in the several townships and boroughs, in the county of Cameron, and regulate his duties.

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 the qualified electors of the several townships and boroughs, in the county of Cameron, shall at their elections for township officers, in addition to the officers now elected, at such elections, elect one person, to be called constable and collector, who shall have all the powers and authority, and be subject to all the duties and penalties, which the regular constables of said townships and boroughs now, or may hereafter, have, or be liable to, and shall, in addition thereto, act as collector for their respective townships and boroughs, and shall be compelled to receive all duplicates for, and collect, as by the warrants therein they are commanded, all the state, county and township, or borough, taxes, whether laid for road, school, or any other, purpose, levied and assessed in, and for, their respective townships or boroughs.

(1 amended Sept. 8, 1959, P.L.814, No.309)

Section 2. That the person so elected to said office of constable and collector, shall, within two weeks after the said election, give bonds, with at least two sufficient sureties, to be approved of by the court of quarter sessions of said county of Cameron, or two of the judges thereof, and to be filed in said court, conditioned for the faithful discharge of his duties as constable and collector, and that he shall collect and pay over, the taxes charged in the duplicate, which he may receive to the proper officer, within the time therein commanded, except such taxes as may be exonerated by the proper officers, and for paying over all moneys which he shall receive as constable.

Section 3. That when any person, who may be duly elected to the office of constable and collector, shall neglect and refuse to qualify and act as such, he shall forfeit and pay therefor, the sum of twenty-five dollars, to be recovered before a justice of the peace, in the name of the commonwealth, the same as like sums are recovered in an action of debt, one half thereof shall go to the use of the informer, or prosecutor, and the other half to the use of the school district in which the offender shall reside; and in case of a vacancy in said office of constable, from any cause whatever, the court of quarter sessions of the said county of Cameron, or any two of the judges thereof, may, by writing, to be filed among the records of said court, appoint some suitable person to fill the vacancy until the next annual election; and the person so appointed shall give bond, as required by this act, and be subject to all the provisions thereof; and every constable and collector, so elected, or appointed, shall, before entering upon the duties of his office, take and subscribe an oath, before some officer in the county authorized, by law, to administer oaths and affirmations, to support the constitution of the United States, and of this state, and perform the duties of his office, as constable and collector, to the best of his ability, and without fear, favor, or partiality; which oath shall be filed with their bonds.

Section 4. That said constable and collector shall hold his office for the term of two years, from the time he is sworn in, and given his bonds, as aforesaid, and shall receive for his services, as constable, the same fees that constables are now, or may hereafter, be allowed, by law; and for his services, as collector, he shall charge and receive, from the person paying the tax, voluntarily, within thirty days, as hereinafter provided, the sum of two per centum upon the amount of taxes paid, and charge and receive from the person paying the tax, or of whom he shall collect it, after the period of thirty days, as hereinafter provided, the sum of ten per centum upon the amount of taxes paid, or collected; which said sum shall be in full for all services rendered, or performed, as collector; except his fees for levying upon, advertising and selling property for taxes, for which services he shall have, receive and charge the same fees, as constables are entitled to charge for like services, upon an extension; and he is hereby given all the power and privileges, and required to perform all the duties, except as herein otherwise required, that are now, or may hereafter be, given to, or required of, collectors of state, county, township and borough, school and poor taxes, and shall be liable to the same punishments and penalties, for neglect of duties, misbehavior, or embezzlement.

(4 amended Sept. 8, 1959, P.L.814, No.309)

Section 5. That upon the receipt of a duplicate, for the collection of any taxes, by such constable and collector, he shall, within one week thereafter, give public notice, by at least six written, or printed, handbills, posted up in the most conspicuous places in the townships, or boroughs, that he will attend at some convenient place or places, therein named, between the hours of nine o'clock, A. M., and six o'clock, P. M., on three successive Saturdays, for the purpose of receiving the taxes charged in the duplicate; and any person who shall pay their said taxes to said officer, on such days, or on any other day, within thirty days from the date of such notice, shall be required to pay the amount of their taxes, as therein charged, and the additional sum of two per centum thereon; and no other, or personal, notice shall be required, or given to tax-payers, of their taxes, or the amount thereof; but if any tax shall remain unpaid, after the expiration of said period, then said officer shall proceed to collect the same forthwith and shall charge and collect from such delinquents the sum of ten per centum, in addition to the taxes charged in said duplicates.

Section 6. That if any constable shall fail to return his duplicate, and settle up the same within three months from the date thereof, or from the time he receives the same, it shall be the duty of the officer who issued the same to him, to commence proceedings against him therefor, within six weeks after the expiration of said period, and prosecute the same diligently, to the end that he may pay over the amount of said duplicate and be punished for his offence; and if said officer shall neglect to so do, as aforesaid, commence and prosecute such constable and collector, they shall be severally and jointly liable for the amount of such duplicate; and it shall be lawful for any resident of said township, county, or borough, in which the taxes were levied, to commence an action against such officers, in the name of the proper county, township, or borough, and if he shall prosecute the same to judgment, he shall be entitled, if the amount collected is under five hundred dollars, to fifteen per centum, and if it over that amount, to ten per centum thereof, in full for his services in collecting

the same; which said sums of fifteen and ten per centum, shall be added, by the court, to the amount of the judgment, and collected from the defendant, or defendants.