

ing, maintaining or conducting such garbage disposal plant without a license.

Constitutionality.

Section 18. It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof, the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein.

Effective date.

Section 19. This act shall become effective on the first day of June, one thousand nine hundred and thirty-three.

Repeal.

Section 20. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED—The 25th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 241

AN ACT

To amend the title, and sections one and three, of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-one (Pamphlet Laws, thirty-eight), entitled "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A," extending the provisions of said act with respect to policemen to cities of the second class.

Cities of second and second A classes.

Title and sections 1 and 3, act of April 14, 1931 (P. L. 38), amended.

Section 1. Be it enacted, &c., That the title, sections one and three of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-one (Pamphlet Laws, thirty-eight), entitled "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A," are hereby amended to read as follows:

AN ACT

Regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class.

Cities of second class—policemen.

Cities of second A—policemen and firemen.

Removal or dismissal.

Section 1. Be it enacted, &c., That no regularly appointed policeman [or fireman] in cities of the *second class*, and no regularly appointed policeman or fireman in cities of the second class A, shall be removed or dismissed without his written consent, except by the decisions of court, either of trial or inquiry, duly determined and certified in writing to the mayor, which court shall be composed of three persons belonging to the police or fire force equal or superior in official position therein to the accused. Such decisions shall only be determined by trial of charges, with plain specifications made by or lodged with the director of the department of public safety, of which trial the accused shall have

due notice, and at which he shall have the right to be present in person and also by a brother officer to act as his counsel. The persons composing such court shall be appointed as hereinafter provided, and shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor; and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses, and to administer oaths to witnesses, as is possessed by any justice of the peace of this Commonwealth.

Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decisions may be for the honorable discharge from the service of the person concerned; or of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which cases the court shall be one of trial, and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them, not exceeding one year, or to dismiss from the service.

It shall be lawful for the director of the department of public safety, at his discretion, to suspend from duty before trial any person charged, as aforesaid, until such trial can be had, with or without pay, as such court shall afterwards determine, but no trial shall be delayed for more than one month after charge has been made.

The finding of the court of trial or inquiry, as aforesaid, shall be of no effect until approved by the mayor.

Section 3. The provisions of article three, section one of the act, approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws, twenty), entitled "An act for the government of cities of the second class," is hereby repealed so far as it relates to the removal and dismissal of policemen and firemen in cities of the second class A, and in so far as it relates to the removal and dismissal of policemen in cities of the second class.

All other acts or parts of acts inconsistent or conflicting herewith are hereby repealed in so far as they apply to cities of the second class and second class A.

APPROVED—The 25th day of May, A. D. 1933.

GIFFORD PINCHOT

Notice of trial.

Power to issue and enforce process.

Charges.

Court of inquiry.

Court of trial.

Fines and penalties.

Suspension of person under charge.

Findings to be approved by mayor.

Article 3, section 1, act of March 7, 1901 (P. L. 20), repealed so far as relates to police in second-class cities and police and firemen in second class A.

General repeal.