

## No. 11

## A JOINT RESOLUTION

Authorizing the appointment of a commission to make a fair and impartial investigation of the general practice and procedure in the courts of oyer and terminer, general jail delivery and quarter sessions of the peace, in the various counties of the Commonwealth, and the Municipal Court in the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of crime; conferring upon the commission full power to issue subpoenas; requiring the commission, if possible, to make a report of its findings to the present session of the General Assembly, together with its recommendations as to such legislation as may be necessary or desirable, otherwise, to make such report and recommendations to the Governor; authorizing the commission to employ counsel and employes; and making an appropriation.

WHEREAS, Any evidence that reflects on the integrity and impartiality of the courts of law is a most serious matter affecting every citizen, and the truth of such evidence should be promptly established or disproved; and

Preamble.

WHEREAS, Certain statements have appeared in the public press purporting to be the results of a careful investigation into the practices of the judges of the courts of quarter sessions of the peace, oyer and terminer and general jail delivery, and the Municipal Court in the City and County of Philadelphia, and judges of other counties from time to time called upon to sit in such courts as visiting judges, in the reconsidering of sentences, the placing upon probation and the paroling of persons guilty of crime, and in other respects; and

WHEREAS, If the facts so far revealed by such investigation are true, then the implications of them are so shocking and so subversive of respect for law that means must be found immediately to correct the condition that exists; and

WHEREAS, A condition similar to that alleged to exist in the City and County of Philadelphia may exist in the other counties of the Commonwealth; therefore,

Section 1. Be it resolved, &c., That there is hereby created a commission, which shall be composed of four senators to be appointed by the President pro tempore of the Senate, one of whom shall be designated chairman, and four members of the House of Representatives, to be appointed by the Speaker thereof, whose duty it shall be to make a careful, thorough and impartial investigation of the general practice and procedure in the courts of quarter sessions of the peace, oyer and terminer, and general jail delivery, in the various counties of the Commonwealth, and the Municipal Court in the City and County of Philadelphia, with special reference to the prosecution, trial and disposition of all criminal cases and the probation and parole of persons guilty of

Committee of 4 senators and 4 representatives appointed to investigate the courts of quarter sessions, oyer and terminer, and general jail delivery of the Commonwealth, and the Municipal Court of Philadelphia.

- Committee to report findings as soon as possible to the General Assembly.
- Proviso.
- Commission has power to issue subpoenas.
- Commission may employ help.
- \$25,000 appropriated for the expenses of the commission.
- When effective.
- crime, to ascertain whether or not such practices are being exercised in accordance with the spirit and letter of the law, and to report to the General Assembly at this session, as early as possible, its findings and its recommendations as to such changes, revisions or improvements as it may find to be necessary or desirable to correct any imperfections, insufficiencies, and defects in the laws, and to correct any abuses and evils in the aforesaid practice and procedure in the aforesaid courts, or any of them: Provided, however, That if the commission is unable to complete its investigation during the current session of the General Assembly, then it shall make its report and recommendations to the Governor.
- Section 2. The commission shall have power to issue subpoenas under the hand and seal of its chairman, requesting and commanding any person or persons to appear before it and to answer such questions touching matters properly being inquired into by the commission, and to produce such books, papers, records and documents as the commission may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of the commission shall have the power to administer oaths and affirmations to witnesses appearing before the commission. Any person who shall wilfully neglect or refuse to testify before the commission, or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such cases.
- Section 3. The commission may employ, and fix the compensation of, such counsel, experts, clerks, and assistants as may be deemed necessary for the proper conduct of the work of the commission.
- Section 4. The sum of twenty-five thousand dollars (\$25,000.00), or so much thereof as may be necessary, is hereby specifically appropriated to the commission for the payment of the expenses of the members, and for the payment of the compensation and expenses of counsel, experts, clerks, and assistants of the commission; for postage, telegraph and telephone charges; for the use of automobiles; for witness fees allowed by the commission; for supplies and printing; and for all other expenses deemed necessary and proper by the commission.
- Section 5. This resolution shall become effective immediately upon its final enactment.

APPROVED—The 9th day of March, A. D. 1937.

GEORGE H. EARLE