

now or formerly owned by the Salem Evangelical \*Lutheran and Reformed Church of Selinsgrove, Pennsylvania, and being more fully described as, beginning at a monument which is on a line north 8 degrees 56' east and 3 feet \*\*distant from the monument marking the southeastern corner of present institution property; thence south 83 degrees 51' east 175.3 feet to a point; thence south 80 degrees 05' east 603.9 feet to a monument; thence along the line of H. D. Moyer property south 80 degrees 19' west 817 feet to a stake; thence north 8 degrees 56' east 263 feet to the monument, said point being the point of beginning; containing an area of 2.3 acres, more or less; said exchange being necessary for the better administration of the said Selinsgrove State Colony for Epileptics.

Department to enter into written agreement with parties involved, subject to approval of Governor.

Title to be approved by Department of Justice.

Act effective immediately.

Section 2. Before such exchange of conveyances is made, the Department of Property and Supplies shall enter into a written agreement with the parties involved, subject to the approval of the Governor.

Section 3. The title of the tract to be acquired by the Commonwealth shall be approved by the Department of Justice.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

No. 359

AN ACT

To further amend section 6 of the act, approved the nineteenth day of June, one thousand nine hundred eleven (Pamphlet Laws 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their re-arrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," by further regulating the manner of sentencing of convicts in certain cases.

Criminal procedure.

Section 6, act of June 19, 1911, P. L. 1055, as amended by act of June 29, 1923, P. L. 975, further amended.

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

Section 1. Section 6 of the act, approved the nineteenth day of June, one thousand nine hundred eleven (Pamphlet Laws 1055), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and

\* "Luthern" in original.

\*\* "distance" in original.

expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole; their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," as amended by the act, approved the twenty-ninth day of June, one thousand nine hundred twenty-three (Pamphlet Laws 975), is hereby further amended to read as follows:

Section 6. Whenever any person, convicted in any court of this Commonwealth of any crime punishable by imprisonment in a State penitentiary, shall be sentenced to imprisonment therefor in any penitentiary or other institution of this State, or in any county or municipal institution, the court, instead of pronouncing upon such convict a definite or fixed term of imprisonment, shall pronounce upon such convict a sentence of imprisonment for an indefinite term: Stating in such sentence the minimum and maximum limits thereof; and the maximum limit shall never exceed the maximum time now or hereafter prescribed as a penalty for such offense; and the minimum limit shall never exceed one-half of the maximum sentence prescribed by any court.

*Whenever any person is convicted of any crime punishable by simple imprisonment, the court may, in its discretion, pronounce a sentence either for a fixed term or for an indefinite term, as may seem proper under the circumstances of the case, but in no case to exceed the maximum term prescribed by law as a penalty for such offense:*

Provided, That nothing herein contained shall be construed to derogate from the power of the judges of the courts of quarter sessions and of the courts of oyer and terminer, or other court of record having jurisdiction, of the several judicial districts of the Commonwealth, after due inquiry, to release on parole any convict confined in the county jail, house of correction, or workhouse of their respective districts, as provided in section one of an act, approved the nineteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, one thousand fifty-nine), entitled "An act extending the powers of judges of courts of quarter sessions and of oyer and terminer, in relation to releasing prisoners in jails and workhouses on parole," its amendments and supplements: And provided further, That no person sentenced for an indeterminate term shall be entitled to any benefits under the act, entitled "An act providing for the commutation of sentences for good behavior of convicts in prisons, penitentiaries, workhouses, and county jails in this State, and regulations governing the same," approved the eleventh day of May, Anno Domini one thousand nine hundred and one:

Sentence of imprisonment for indefinite term.

Minimum and maximum limits to be stated.

Court authorized to sentence for a fixed term or for an indefinite term in certain cases.

Proviso: Act not to affect power of judges to release on parole.

Further proviso: Person sentenced for indeterminate term not entitled to benefits of commutation act.

Further proviso:  
Notice of inten-  
tion to parole to  
be given to  
sentencing judge.

And provided further, That, before any parole shall be granted pursuant to the terms hereof, notice of an intention so to do shall be given, at least ten days prior thereto, by the board of prison inspectors to the judge of the county who imposed the sentence, if he be still in office, but otherwise to the judge or judges of the court of oyer and terminer or the court of quarter sessions then in session, or if there be no current term, then to the next ensuing term thereof, and having jurisdiction of cases of the like character. Similar notice shall also be given to the district attorney then in office in said county.

Similar notice to  
be given to  
district attorney.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

No. 360

AN ACT

To amend sections one and two of the act, approved the twenty-third day of May, one thousand nine hundred forty-five (Pamphlet Laws 926), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; requiring their licensing; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," by providing for the licensing of public eating or drinking places by county departments of health or joint-county departments of health in certain political subdivisions.

Public health.

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

Sections 1 and 2,  
act of May 23,  
1945, P. L. 926,  
amended.

Section 1. Sections one and two of the act, approved the twenty-third day of May, one thousand nine hundred forty-five (Pamphlet Laws 926), entitled "An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth; requiring their licensing; imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities; and providing penalties," are hereby amended to read as follows:

Definitions.

Section 1. Definitions.—"Department" shall mean the State Department of Health.

The words "public eating or drinking place" shall mean any place within this Commonwealth where food or drink is served to or provided for the public, with or without charge: Provided, however, That nothing herein contained shall apply to dining cars operated by a railroad company in interstate commerce.