

for the first offense, and not exceeding twenty-five dollars (\$25) for the second and every subsequent offense, and in default of the payment of such fine, and costs, shall be committed to jail one (1) day for each dollar of fine and costs imposed.

Such permit shall be retained by the owner, proprietor, lessee, or agent, and shall be preserved for a period of six (6) months.

A copy of the provisions of this section shall be posted at a conspicuous place at or near the entrance into every moving picture theatre.

Section 2. The provisions of this act shall become effective immediately upon final enactment. Act effective immediately.

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE

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No. 590

AN ACT

To amend the act, approved the sixteenth day of June, one thousand eight hundred thirty-six (Pamphlet Laws 715), entitled "An act relating to Reference and Arbitration," by providing by rule of court for the arbitration of certain suits at issue and prescribing the procedure, the appointment and compensation of arbitration, and the payment of fees and costs in such cases.

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

Section 1. The act, approved the sixteenth day of June, one thousand eight hundred thirty-six (Pamphlet Laws 715), entitled "An act relating to Reference and Arbitration," is hereby amended by adding, after section 8 thereof, a new section to read as follows: Act of June 16, 1836, P. L. 715, amended by adding, after section 8 thereof, a new section 8.1.

Section 8.1. The several courts of common pleas may, by rules of court, provide that all cases which are at issue where the amount in controversy shall be one thousand dollars (\$1000) or less, except those involving title to real estate, shall first be submitted to and heard by a board of three (3) members of the bar of the county for consideration and award. Cases which are not at issue and whether or not suit has been filed may be referred to the board of arbitration by agreement of reference signed by counsel for both sides in the case. Said agreement of reference shall define the issues involved for determination by the board and, when agreeable, shall also contain stipulations with respect to facts submitted or agreed or defenses waived. In such cases, the agreement of reference shall take the place of the pleadings in the case and be filed of record. Procedure where case at issue.

Where case not at issue.

Agreement of reference.

Section 9, said act, amended.

Section 2. Section 9 of said act is hereby amended to read as follows:

Complaint to be filed.

Section 9. [Provided, That it] *It shall not be lawful for the plaintiff in any suit, to enter [such] the rule provided for in section eight hereof, until after a [declaration or statement of the cause of action] complaint shall have been filed [by him].*

Section 13, said act, amended by adding, at end thereof, two new clauses VII and VIII.

Section 3. Section 13 of said act is hereby amended by adding, at the end thereof, two new clauses to read as follows:

Method of choosing arbitrators.

Section 13. On the day fixed for the appointment of arbitrators, if both parties attend, either in person, or by their agents or attorneys, the arbitrators shall be chosen in the following manner, viz:

* * * * *

Appointment of board of arbitrators.

VII. In all cases under section 8.1 hereof, a board of arbitrators consisting of three members of the bar of the court in which such case is pending shall be appointed by the prothonotary from the list of attorneys qualified to act. The names of attorneys from said list shall be taken in alphabetical order, except where attorneys are excused on account of incapacity or illness. Not more than one member of a firm or association of attorneys shall be appointed to the same board. The first member named shall be chairman of the board.

Procedure.

VIII. The board of three members of the bar shall be appointed ten (10) days after the case is at issue or after filing of the agreement of reference, upon praecipe filed by counsel for either party with notice to the opposing counsel. Where no appearance has been entered in trespass actions, the board shall be appointed on praecipe of plaintiff's counsel to hear the case and pass upon the question of damages. The board shall make its report and render its award within twenty (20) days after hearing.

Section 27, said act, amended by adding, at end thereof, a new clause V.

Section 4. Section 27 of said act is hereby amended by adding, at the end thereof, a new clause to read as follows:

Appeal from award.

Section 27. Either party may appeal from an award of arbitrators, to the court in which the cause was pending at the time the rule or agreement of reference was entered, under the following rules, regulations and restrictions, viz:

* * * * *

In cases under section 8.1 hereof.

V. In all cases under section 8.1 hereof, any party appealing shall first repay to the county the fees of the members of the board of arbitrators herein provided for. Such fees shall not be taxed as costs or be recoverable in any proceeding. All appeals shall be de novo.

Section 32, said act, amended.

Section 5. Section 32 of said act is hereby amended to read as follows:

Section 32. The costs to be paid by the appellant, as [hereinbefore] *herein* required, may nevertheless, be taxed in the appellant's bill, and recovered of the adverse party, if, in the event of the suit, the appellant is entitled to recover costs, agreeably to the provisions of this act: *Provided, That the compensation of the arbitrators repaid to the county by appellant as provided by clause V of section 27 of this act shall not be taxed as costs or recovered from the adverse party.*

Costs.

Proviso.

Section 6. Section 40 of said act is hereby amended by adding, immediately after clause V thereof, a new clause to read as follows:

Section 40, said act, amended by adding, after clause V thereof, a new clause VI.

Section 40. Referees and arbitrators in every case, as aforesaid, or a majority of them, shall have power—

Powers of referees and arbitrators.

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VI. *The arbitrators shall not be required to make a record of the proceedings before them. If any party shall desire a record, the arbitrators shall provide a reporter and cause a record to be made and the party requesting the same shall pay the cost thereof.*

Record of proceedings.

Section 7. Section 49 of said act is hereby amended to read as follows:

Section 49, said act, amended.

Section 49. Every referee and arbitrator, shall be entitled to receive the sum of one dollar for every day necessarily employed by him in the hearing and determination of the cause submitted to him.

Compensation of referees and arbitrators.

In all cases under section 8.1 of this act, the compensation of each member of the board of arbitrators shall be determined by the court and paid by the county for each case heard upon the filing of the report and award, if any. Such fees shall not be taxed as costs nor follow the award as other costs.

In cases under section 8.1 hereof.

APPROVED—The 14th day of January, A. D. 1952.

JOHN S. FINE

No. 591

AN ACT

To amend the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Act No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt, and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees