

wealth or the county election board shall be transmitted to the State Treasurer or to the county treasurer, as the case may be, and shall become part of the General Fund.

APPROVED—The 11th day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 352

AN ACT

Amending the act of June 3, 1937 (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," further designating magistrates, aldermen or justices of the peace before whom informations charging summary offenses may be brought.

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

Section 1. Section 1202, act of June 3, 1937 (P. L. 1225), known as "The Game Law," amended May 17, 1957 (P. L. 144), is amended to read:

Section 1202, act of June 3, 1937, P. L. 1225, amended May 17, 1957, P. L. 144, further amended.

Section 1202. Procedure.—All summary proceedings under the provisions of this act shall be commenced by affidavit made within two years after the date of any violation before the nearest available magistrate, alderman or justice of the peace [within the city, borough, incorporated town or township in the county where the alleged violation occurred, or if there is no person holding the office of magistrate, alderman or justice of the peace in such city, borough, incorporated town or township, then such information shall be brought before such nearest available magistrate, alderman or justice of the peace] in any [adjoining] city, borough, incorporated town or township in the county. *The term "available magistrate, alderman or justice of the peace" shall mean a magistrate, alderman or justice of the peace who is in his regular office between the hours of nine o'clock antemeridian and five o'clock postmeridian of the same day, or who is in his office at other specified hours notice of which is at all times posted on the outside of his door. A magistrate shall be deemed to be not available if he is not in his regular office between the hours of nine o'clock antemeridian and five o'clock postmeridian of any day, or if he does not have posted on his door notice of other specified hours during which he will be at his office, or if he is not at his office during those specified hours or if in any particular proceeding he*

shall state, in writing, that he believes it would be unduly difficult for him to hear and justly determine the case.

Any magistrate, alderman, or justice of the peace on complaint made before him by affidavit charging any person with having violated any of the provisions of this act, or any of the rules and regulations issued by the commission pursuant to this act, shall issue his warrant, under his hand and seal, directed to any constable, police officer, game protector, or any officer whose duty it is to enforce the game laws of this Commonwealth, and cause such person to be brought before him.

When any person is arrested without warrant, the officer making the arrest shall immediately, except on Sunday, take such person before a magistrate, alderman, or justice of the peace as herein provided, and make complaint by affidavit.

The magistrate, alderman, or justice of the peace, or the court of quarter sessions in case of appeal, shall in all cases hear the evidence and determine the guilt or innocence of the person accused. If such person is convicted of the offense charged, and if the magistrate, alderman, or justice of the peace, or the court on appeal shall also find that any bird or animal, or part thereof, or of any firearm, trap, dog, boat, conveyance, vehicle, or its attachments, or any device, implement or appliance, the use of which is expressly forbidden by this act, and found in possession of the defendant, is unlawfully possessed and liable to forfeiture to the Commonwealth, the defendant shall be sentenced to forfeit to the Commonwealth such bird or animal, or part thereof, or such of the before-mentioned unlawful articles and equipment as shall have been found to be unlawfully used or unlawfully in his possession and also to pay the full fine prescribed by this act for such violation, together with costs of prosecution; and, in default of the payment of such fine and costs, shall be sentenced to imprisonment one day for each dollar of fine and costs so imposed and shall also be sentenced to forfeit to the Commonwealth such property, implements, devices or any bird or animal for the use of or disposal by the commission.

In all instances when a defendant shall be imprisoned one day for each dollar of fine and costs imposed pursuant to the provisions of this section, the Pennsylvania Game Commission shall pay one dollar (\$1) per day for each such day of imprisonment to the county operating the jail in which such defendant is imprisoned, for cost of his maintenance.

APPROVED—The 11th day of September, A. D. 1959.

DAVID L. LAWRENCE