

county if the prosecutor is a police officer engaged as such in the employ of this Commonwealth or of any of its political subdivisions. In all other cases, the costs shall be paid by the prosecutor or by the defendant if so permitted by law.

(b) In every case of summary conviction in which the defendant is convicted and sentenced to jail in default of the payment of the fine and costs or fees imposed, the costs or fees of prosecution shall be paid by the county.

(c) In no case shall the county pay any such costs unless the transcript of the proceedings is delivered to the office of the county commissioners within thirty days after the hearing.

APPROVED—The 28th day of July, A. D. 1953.

JOHN S. FINE

No. 203

AN ACT

To amend the title and the act, approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws 242), entitled "An act prohibiting the payment by counties of costs in criminal cases discharged after preliminary hearings before magistrates, justices of the peace, and aldermen, unless names and addresses of prosecutors, defendants, and witnesses appear on the transcript thereof," by imposing costs on private prosecutors in certain cases; prohibiting payment by counties; and requiring the delivery of transcript to the county commissioners within a certain limited period of time.

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

Section 1. The title and sections 1 and 2 of the act, approved the third day of May, one thousand nine hundred thirty-three (Pamphlet Laws 242), entitled "An act prohibiting the payment by counties of costs in criminal cases discharged after preliminary hearings before magistrates, justices of the peace, and aldermen, unless names and addresses of prosecutors, defendants, and witnesses appear on the transcript thereof," are hereby amended to read as follows:

Title and sections
1 and 2, act of
May 3, 1933,
P. L. 242,
amended.

An Act

Amended title.

Prohibiting the payment by counties of costs in criminal cases discharged after preliminary hearings before magistrates, justices of the peace, and aldermen [unless names and addresses of prosecutors, defendants, and witnesses appear on the transcript thereof] in certain cases, and imposing costs on private prosecutors.

Counties prohibited to pay costs in criminal cases discharged after preliminary hearings before magistrates, justices of the peace and aldermen.

Exceptions.

Payment of costs in cases of dismissed prosecutions, other than for felonies.

Transcript to be delivered to county commissioners within certain limited period of time.

Unlawful for county commissioners or controller to approve payment of costs in certain cases.

Section 1. Be it enacted, &c., That no county shall hereafter be liable for the payment of any costs in any prosecution brought before any magistrate, alderman, or justice of the peace against any person on the charge of having committed any crime when such charge shall, upon examination at a preliminary hearing, appear to be unfounded and shall be dismissed or discharged by such magistrate, alderman or justice of the peace, [and the costs thereof] *(1) in cases other than felonies, unless the prosecutor is a police officer engaged as such in the employ of the Commonwealth or any of its political subdivisions, and (2) in all cases where the costs are properly directed to be paid by the county, unless there shall be endorsed upon the transcript of such proceedings the names and specific addresses of the prosecutor, the defendant or defendants, and of all the witnesses who were called and sworn and who testified at such hearing or examination. In all dismissed prosecutions, other than for felonies, where the prosecutor is not a police officer engaged as such in the employ of the Commonwealth or any of its political subdivisions, the costs shall be placed on the prosecutor or on the defendant if so permitted by law. In no case shall the county pay any such costs unless the transcript of the proceedings is delivered to the office of the county commissioners within thirty days after the hearing.*

Section 2. It is unlawful for the county commissioners or the controller of any county to order, authorize, or approve the payment of any costs in any such proceedings unless the transcript thereof shall contain the name and specific address of the prosecutor, the defendant or defendants, and all witnesses, *and has been delivered to the office of the county commissioners, as required by the preceding section of this act, or in any dismissed prosecution, other than for a felony, unless the prosecutor is a police officer engaged as such in the employ of the Commonwealth or any of its political subdivisions.*

APPROVED—The 28th day of July, A. D. 1953.

JOHN S. FINE

No. 204

AN ACT

To reenact and further amend section 220 of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by increasing the resident fishing license fee.