

provisions thereof shall be held unconstitutional, such decisions shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 8. The provisions of this act shall become effective immediately upon enactment.

APPROVED—The 6th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 263

AN ACT

Amending the act of June 25, 1947 (P. L. 956), entitled "An act to ascertain and appoint the fees to be received by the clerks of the courts of oyer and terminer, and quarter sessions, of the Commonwealth in counties of the third, fourth, fifth, sixth, seventh and eighth classes," increasing certain fees and making certain editorial corrections.

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

Counties of 3rd, 4th, 5th, 6th, 7th and 8th classes.

Section 1. So much of section 1 as refers to oyer and terminer, desertion and non-support indictments, and quarter sessions, act of June 25, 1947 (P. L. 956), entitled "An act to ascertain and appoint the fees to be received by the clerks of the courts of oyer and terminer, and quarter sessions, of the Commonwealth in counties of the third, fourth, fifth, sixth, seventh and eighth classes," amended August 21, 1953 (P. L. 1245), is amended to read:

Certain parts of section 1, act of June 25, 1947, P. L. 956, amended August 21, 1953, P. L. 1245, further amended.

Section 1. The fees to be received by the clerks of the courts of oyer and terminer, and quarter sessions of this Commonwealth in counties of the third, fourth, fifth, sixth, seventh and eighth classes shall be as follows:

Certain fees of clerks of courts of oyer and terminer and quarter sessions increased.

* * * * *

Oyer and terminer, [all] *initial* services performed in [one] *each* prosecution, *exclusive of all additional specific fees enumerated herein*, \$20.00.

* * * * *

Processing desertion and non-support indictment, [\$6.00] \$10.00.

* * * * *

Quarter sessions, [all] *initial* services performed in each indictment, *exclusive of all additional specific fees enumerated herein*, \$10.00.

APPROVED—The 6th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 264

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," authorizing the production and performance of drama and civic light opera between certain hours on Sundays in cities of the second class.

The Penal Code.

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

Section 699.4, act of June 24, 1939, P. L. 872, amended November 19, 1959, P. L. 1530, and December 16, 1959, P. L. 1874, further amended.

Section 1. Section 699.4, act of June 24, 1939 (P. L. 872), known as "The Penal Code," amended November 19, 1959 (P. L. 1530) and December 16, 1959 (P. L. 1874), is amended to read:

Section 699.4. Worldly Employment or Business on Sunday.—Whoever does or performs any worldly employment or business whatsoever on the Lord's day, commonly called Sunday (works of necessity, charity and wholesome recreation excepted), shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of four dollars (\$4), for the use of the Commonwealth, or, in default of the payment thereof, shall suffer six (6) days' imprisonment.

As used in this section "wholesome recreation" shall mean golf, tennis, boating, swimming, bowling, basketball, picnicking, shooting at inanimate targets and similar healthful or recreational exercises and activities.

Nothing herein contained shall be construed to prohibit the dressing of victuals in private families, bake-houses, lodging-houses, inns and other houses of entertainment for the use of sojourners, travellers or strangers, *or to prohibit the sale of newspapers, or to hinder watermen from landing their passengers, or ferrymen from carrying over the water travellers, or work in connection with the rendering of service by a public utility as defined by the act of May 28, 1937 (P. L. 1053), known as the "Public Utility Law," or persons removing with their families on the Lord's day, commonly called Sunday, nor to the delivery of milk or the necessaries of life, before nine of the clock in the forenoon, nor after five of

* "or to prohibit the sale of newspapers," omitted in original.