

## No. 141

## AN ACT

Authorizing the waiver of trial by jury in certain criminal cases, and the trial of such cases by a judge without a jury; regulating such trials; and conferring a jurisdiction upon the judges of the several courts in such cases.

Section 1. Be it enacted, &c., That in all criminal cases, except where a sentence of death or imprisonment of ten years or more may be imposed, the defendant shall have the privilege, with the consent of his attorney of record, the judge and the district attorney, to waive trial by jury. Such waiver must be in writing, signed by the defendant, and shall operate as an election by the defendant to be tried by a judge without a jury.

Criminal cases.  
Jury trial may be waived in certain cases.

Form of the waiver.

Section 2. When a defendant has waived trial by jury and elected to be tried by a judge without a jury, in accordance with the provisions of the preceding section, any judge of the court, in which the cause is pending wherein a waiver of trial by jury and election to be tried by a judge without a jury is filed, shall have jurisdiction to hold the trial and shall proceed to hear, try, and determine all issues of law and fact, and to render a general verdict in like manner as if the defendant had put himself upon the inquest or country for trial, and his cause were being tried before a jury, and the said trial judge may, after hearing the case, order the withdrawal or waiver of trial by jury withdrawn, and order and direct that the case be tried before a jury.

Procedure after the defendant has waived jury trial.

Judge may order the withdrawal of the waiver.

Section 3. The Supreme Court shall make rules, for the administration of this act, applicable to courts having criminal jurisdiction, such rules to be consistent with legislation passed by the General Assembly.

Rules shall be made by the Supreme Court.

Section 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

Section 5. This act shall become effective immediately upon its final enactment.

When effective.

APPROVED—The 11th day of June, A. D. 1935.

GEORGE H. EARLE

## No. 142

## AN ACT

Establishing a certain section of public road as a State highway, and providing for its construction and maintenance at the expense of the Commonwealth.

Section 1. Be it enacted, &c., That the following section of public road shall be adopted by the Commonwealth as a State highway, to be constructed and maintained at the expense of the Commonwealth under the

State highway.

provisions of present or future laws governing main State highways, that is to say:

Description.

Beginning at a point on Route 29, in Lewistown Borough, at a point commonly known as Five Points; thence northeasterly over Chestnut and Logan Streets and Logan Street extended, crossing Kishacoquillas Creek to the Lewistown Borough-Derry Township line; thence northeasterly and northerly through Derry Township, recrossing Kishacoquillas Creek to an intersection with Route 29, in Derry Township, about one-half mile south of Burnham Borough, in Mifflin County, a distance of about 1.2 miles.

Appropriation.

Section 2. So much of the money in the Motor License Fund, as may be needed for the purposes of this act, are hereby specifically appropriated to the Department of Highways.

APPROVED—The 11th day of June, A. D. 1935.

GEORGE H. EARLE

No. 143

AN ACT

To amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred ninety-two), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by making its provisions applicable to abandoned sections of State highways which were formerly State-aid highways; and further providing that abandoned sections of State highways, which were formerly parts of turnpikes or toll roads, shall be the responsibility of the townships wherein located.

Abandoned  
State highways.

Section 1, act  
of April 27, 1927  
(P. L. 392),  
amended.

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred and ninety-two), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," is hereby amended to read as follows:

Abandoned  
State highways.

Section 1. Be it enacted, &c., That where any section of a State highway route, as now or hereafter defined by law, shall be, or has been relocated under the authority of existing laws, the portion of the public road or highway, thus abandoned as a State highway route, shall be maintained by, and at the expense of, the authorities responsible for the maintenance of said public road or