

Persons entitled to receive payments upon death of pensioner.

age salary for the last five years of his or her employment with the said city has been two hundred and fifty dollars or more per month, shall receive a pension of not less than one hundred and fifty-one dollars and twenty-five cents per month. In the event of the death of any person receiving a pension under this act, there shall be paid to such person or persons as he or she shall have designated in writing and filed with the board of pensions as his or her beneficiary or to his or her estate a lump sum representing the difference, if any, between the total contributions paid into the pension fund by him or her as an employe and the total pension payments received by him or her during his or her lifetime, but such lump sum shall be paid only when such total contributions exceed the total pension payments made.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 15th day of May, A. D. 1957.

GEORGE M. LEADER

No. 64

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," requiring that summary offenses under the act be commenced before certain specified magistrates, aldermen or justices of the peace.

The Game Law.

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

Section 1202, act of June 3, 1937, P. L. 1225, amended April 18, 1949, P. L. 494, and April 18, 1949, P. L. 509, further amended.

Section 1. Section 1202, act of June 3, 1937 (P. L. 1225), known as "The Game Law," amended April 18, 1949 (P. L. 494), and April 18, 1949 (P. L. 509), is amended to read:

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.*

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 17th day of May, A. D. 1957.

GEORGE M. LEADER