

Section 2. The Board of Pardons of the Department of Justice shall have the power, and shall be under the duty to promulgate such rules and regulations as may be deemed necessary to carry out the terms of a compact entered into by the Commonwealth pursuant to this act.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 416
AN ACT

To amend sections one, two, four, five and seven of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, one thousand seventeen), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the law in reference thereto," by further regulating the attendance of such witnesses, and limiting the powers with respect thereto to judges learned in the law.

Sections 1,
2, 4, 5 and
7, act of July
15, 1935 (P. L.
1017), amended.

Section 1. Be it enacted, &c., That sections one, two, four, five and seven of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, one thousand seventeen), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the laws in reference thereto," are hereby amended to read as follows:

Subpoenaing
witness in
Pennsylvania
to testify in
another state.

Section 1. Be it enacted, &c., That, Subpoenaing Witness in this State to Testify in Another State.—If a judge, *learned in the law*, of a court of record in any state, which by its laws has made provisions for commanding persons within that state to attend and testify in criminal prosecutions in this Commonwealth, certifies under the seal of such court that there is a criminal prosecution pending in such court, that a person being within this Commonwealth is a material witness in such prosecution, and that his presence will be required for a specified number of days, any judge, *learned in the law*, of a criminal court of record in the county in which such person is, upon presentation of such certificate, shall fix a time and place for hearing and shall notify the witness of such time and place.

Procedure
to be
followed.

Section 2. Hearing and Issuance of Subpoena.—If at the hearing, the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state, that the wit-

ness will not be compelled to travel more than one thousand miles to reach the place of trial, and that the laws of the state in which the prosecution is pending and of any other state through which the witness may be required to pass will give to him protection from arrest and the service of civil and criminal process, he shall issue a subpoena, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending at a time and place specified in the subpoena. *In any such hearing, the certificate shall be prima facie evidence of all the facts stated therein.*

Witness cannot be compelled to travel over one thousand miles.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing, and the judge at the hearing, being satisfied of the desirability of such custody and delivery, may, in lieu of issuing a subpoena, order that the witness be forthwith taken into custody and delivered to an officer of the requesting state.

Section 4. Witness from Another State Subpoenaed to Testify in this Commonwealth.—If a person in any state, which by its laws has made provisions for commanding persons within its borders to attend and testify in criminal prosecutions in this Commonwealth, is a material witness in a prosecution pending in a criminal court of record in this Commonwealth, a judge, *learned in the law*, of such court may issue a certificate, under the seal of the court, stating these facts and specifying the number of days the witness will be required. This certificate shall be presented to a judge, *learned in the law*, of a court of record in the county in which the witness is found.

Said certificate may recommend that the witness be taken into custody and delivered to an officer of the Commonwealth to assure the attendance of such witness in this Commonwealth.

Section 5. Payment of Witnesses.—If the witness is subpoenaed to attend and testify in the criminal prosecution in this Commonwealth, he shall be tendered the sum of ten cents a mile for each mile which he shall be required to travel to and from the court where the prosecution is pending, and five dollars for each day that he is required to travel and attend as a witness, which sum shall be advanced by the proper authorities upon requisition by the district attorney. A witness who has appeared in accordance with the provisions of the subpoena shall not be required to remain within this Common-

Mileage.

Fee.

wealth a longer period of time than the period mentioned in the certificate, *unless otherwise ordered by the court.*

Section 7. Uniformity of Interpretation.—This [section] *act* shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 417

AN ACT

Changing the procedure in civil actions hereafter brought in any of the courts of common pleas of Philadelphia County; providing for trial without jury, and for the filing of agreements therefor; providing for the payment of jury fees.

Civil actions.

Section 1. Be it enacted, &c., That in all civil actions hereafter brought in any of the courts of common pleas in and for the judicial district comprising Philadelphia County, the statement of claim, before it shall be received by the prothonotary, shall contain on the back thereof an indorsement, signed by plaintiff or his counsel, as follows, "Jury trial demanded" or "It is agreed that this case be tried by a judge without a jury." If plaintiff demands a jury trial, he shall, at the time of filing his statement, pay to the prothonotary a jury fee of four dollars. Every affidavit of defense where plaintiff has not demanded a jury trial shall contain on the back thereof a similar indorsement, and, if defendant demands a jury trial, he shall, at the time of filing his affidavit of defense, pay to the prothonotary a jury fee of four dollars. If both parties, as aforesaid, have filed agreements that the case may be tried by a judge without a jury, it shall be so tried under such rules of procedure as the said several courts of common pleas shall prescribe.

Endorsement
of choice.

Jury fee.

Repeal.

Section 2. The act approved the twenty-second day of April, one thousand eight hundred seventy-four (Pamphlet Laws, one hundred nine), in so far as it relates to trials by court without a jury in the courts of common pleas of Philadelphia County, is hereby repealed.

When
effective.

Section 3. This act shall become effective immediately upon its final enactment.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE