

another individual not in the motor vehicle business his own personal motor vehicle at any price agreed upon.

Section 21. Constitutional Construction.—It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof, the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein: Provided, however, That if any part or parts of this act relating to fixing the value for used motor vehicles or the amount to be allowed by motor vehicle dealers for used motor vehicles is held unconstitutional, then the remainder of the act shall be given no effect.

Constitutional provision.

Section 22. Saving Clause.—No provisions of this act shall apply or be construed to apply to foreign or interstate commerce, except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto.

Saving clause.

Section 23. The expenses for administering this act shall be paid entirely from the various fees collected by the commission.

Expenses.

Section 24. This act shall take effect immediately upon its approval by the Governor, and shall expire midnight May thirty, one thousand nine hundred thirty-nine.

When effective.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

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No. 462

AN ACT

To amend section six as amended in part, and section ten of the act, approved the thirty-first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred eighty-one), entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates," further regulating the qualifica-

tions and examination of applicants for said certificates of qualification, and the employment of foremen and assistant foremen in such mines.

Section 6, act of May 31, 1923 (P. L. 481), as amended in part by act of April 7, 1925 (P. L. 174), further amended.

Section 1. Be it enacted, &c., That section six of the act, approved the thirty-first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred eighty-one), entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates," as amended in part by the act, approved the seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred seventy-four), is hereby further amended to read as follows:

Qualification of mine foremen.

Section 6. Applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses shall be citizens of the United States, of good moral character and of known temperate habits, at least twenty-three years of age, and shall have had an aggregate of at least five years' practical experience, after sixteen years of age, as miners or mining engineers, or men of general work inside of the bituminous mines [of the United States, of which five years there must be not less than two years' practical experience inside of the bituminous mines] of Pennsylvania: Provided, That graduates in the coal mining course of a recognized institution of learning may, *after examination*, be granted certificates of qualification by the examining board as mine foremen, assistant mine foremen, and fire bosses, if possessed of an aggregate of not less than three years' practical experience as miners [or mining engineers] or men of general work inside of the bituminous mines of Pennsylvania. Applicants for certificates of qualification as *first grade mine foremen, first grade assistant mine foremen, and fire bosses* shall also have had experience in bituminous mines in Pennsylvania that generate explosive gas.

Qualifications of mine foremen, assistant mine foremen and fire bosses.

Certificates of character, etc.

All applicants shall be able to read and write the English language intelligently, and shall furnish the

board with certificates as to their character and temperate habits, which certificates shall also show the length of service in the different mines.

Certificates of qualification as mine foremen shall be of two grades, namely: Certificates of first grade shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine foremen in gaseous mines, and who shall have received an average of at least eighty per centum in [the] *each* examination. Certificates of second grade shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine foremen in nongaseous mines, and who shall have received [an average of] at least eighty per centum in the *second grade* examination.

Certificates of qualification.

Mine foremen. First grade.

Second grade.

Certificates of qualification as *first grade* assistant mine foremen shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of assistant mine foremen in gaseous mines, and who shall have received an average of at least seventy per centum in [the] *each* examination.

Assistant mine foremen. First grade.

*Certificates of qualification as second grade assistant mine foremen shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of assistant mine foremen in nongaseous mines, and who shall have received at least seventy per centum in the second grade examination.*

Second grade.

Certificates of qualification as fire bosses shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of fire bosses in gaseous mines, and who shall have received an average of at least [sixty-five per centum] *seventy-five per centum* in the examination: *Provided, however, That all applicants who have passed a satisfactory written examination shall also pass a satisfactory oral examination, but the examining board shall have authority to exempt any applicant from the oral examination for justifiable reasons.*

Fire bosses.

Section 2. Section ten of said act is hereby amended to read as follows:

Section 10, amended.

Section 10. It shall be unlawful for any operator, manager, or superintendent to employ as mine foreman in a bituminous mine, or as assistant mine foreman in a bituminous [gaseous] mine, any person who has not obtained the proper certificate of qualification required by this act: [unless such person is in the judgment of the operator, equally competent with the persons who are holders of such certificates] *Provided, That certificates of qualification or service heretofore granted shall have equal value with certificates of qualification granted under this act. And it shall be unlawful for any operator,*

Unlawful employment of mine foremen, etc.

Proviso.

Unlawful  
employment of  
fire boss.

manager, superintendent, or mine foreman to employ as fire boss in a bituminous mine any person who has not obtained the proper certificate of qualification under this act: [unless such person is, in the judgment of the operator, equally competent with the persons who are holders of such certificates] Provided, That certificates of qualification as fire boss granted under the acts of June nine, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred and fifty-six), and May fifteen, one thousand eight hundred and ninety-three (Pamphlet Laws, fifty-two), shall have equal value with certificates of qualification granted under this act: *Provided, however, That in an emergency, the mine foreman may deputize temporarily a competent person or persons to act as assistant mine foremen or fire bosses, but this authority shall not be exercised by the mine foreman so long as certified assistant formen or certified fire bosses are available in the mine.*

Proviso.

Proviso.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 463

AN ACT

To re-enact and amend the act, approved the tenth day of March, one thousand nine hundred and thirty-seven (Act Number, 21), entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners; imposing duties and liabilities upon operators; and imposing penalties," clarifying the provisions of said act; providing for the filing of complaints with the court of common pleas and for the procedure thereon; and providing additional penalties.

Act of March  
10, 1937 (Act  
No. 21),  
amended.

Section 1. Be it enacted, &c., That the act, approved the tenth day of March, one thousand nine hundred and thirty-seven (Act Number, 21), entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners; imposing duties and liabilities upon operators; and imposing penalties," is hereby re-enacted and amended to read as follows: