

same power, authority and jurisdiction and shall be subject to the same duties, restrictions and penalties and shall receive the same compensation provided for by law for judges learned in the law, as if the same office had been established in the time of and subject to the provisions of the act, approved the seventh day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1410), entitled "An act to fix the salaries and compensation of the judges of the Supreme Court, the judges of the Superior Court, the judges of the courts of common pleas, the judges of the orphans' courts, the judges of the Municipal Court of Philadelphia, and the judges of the County Court of Allegheny County, and certain associate judges not learned in the law, and repealing certain acts inconsistent herewith."

Election.

Section 2. At the municipal election in November, one thousand nine hundred fifty-three, the qualified electors of the said seventh judicial district shall elect, in the same manner prescribed by law for the election of the president judge of the court of common pleas of said district, a competent person learned in the law to serve as said additional law judge of the court of common pleas of said seventh judicial district from the first Monday in January, one thousand nine hundred fifty-four, for a term of ten years. Vacancies in the office hereby created, whether caused by death, resignation, expiration of term, or otherwise, shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge of said court.

Manner of filling subsequent vacancies.

Governor to make interim appointment.

Section 3. The Governor is hereby authorized to appoint a competent person learned in the law as such additional law judge of the court of common pleas of the said seventh judicial district, to serve until the first Monday of January, one thousand nine hundred fifty-four.

Act effective immediately.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 24th day of August, A. D. 1951.

JOHN S. FINE

No. 334

AN ACT

To amend section 11 of the act, approved the twenty-seventh day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1095), entitled "An act providing for the regulation of mining of anthracite coal by the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining; requiring operators to register, pay a license fee and secure a permit to engage in strip

mining and file a bond conditioned for compliance with this act; requiring backfilling of stripping pits and leveling and planting lands affected to prevent erosion and the pollution of waters and to protect public health, safety and welfare; conferring powers and imposing duties upon the Department of Mines and the Department of Forests and Waters; providing for appeals, and imposing penalties, and making appropriations," by clarifying the requirement for backfilling adjacent to highways.

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

Section 1. Section 11 of the act, approved the twenty-seventh day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1095), entitled "An act providing for the regulation of mining of anthracite coal by the open pit or strip mining method and for the conservation and improvement of lands affected directly or indirectly by such mining; requiring operators to register, pay a license fee and secure a permit to engage in strip mining and file a bond conditioned for compliance with this act; requiring backfilling of stripping pits and leveling and planting lands affected to prevent erosion and the pollution of waters and to protect public health, safety and welfare; conferring powers and imposing duties upon the Department of Mines and the Department of Forests and Waters; providing for appeals, and imposing penalties, and making appropriations," is hereby amended to read as follows:

Section 11. The application for a permit shall be accompanied by a map showing the location of any public highway, dwelling house or stream of water on or adjacent to the area of land affected. The operator shall backfill the operation made by the strip mining operation to a distance of [seventy-five (75) feet from the center line of any such public highway] *fifteen (15) feet beyond the boundary line of the right of way of any public highway* and to a distance of two hundred (200) feet from any dwelling house, public building, school, church, commercial or institutional building. [In any case where the legal right of way of the highway shall be less than one hundred twenty (120) feet in width the operator shall backfill for a distance of fifteen (15) feet beyond the boundary line of such right of way.] The backfilling shall be done in such a manner as to insure lateral support of a public highway and to provide a slope having an angle not exceeding forty (40) degrees. The permit issued shall specify the time within which it shall be completed in order to protect the public safety, and may require such backfilling to be done in part before the completion of the strip mining operation.

The permit shall also specify the distance to which the bottom of the spoil banks made by the strip mining operation may approach any stream of water having a well defined channel. Such distances shall be fixed by

"Anthracite Strip Mining Law."

Section 11, act of June 27, 1947, P. L. 1095, amended.

Map to accompany application for permit.

Backfill required.

Permit to specify distance of spoil banks from streams of water.

the department at such number of feet as in the judgment of the department, after consultation with the Water and Power Resources Board, taking into consideration the character of the overburden, is necessary to protect the channel of the stream.

Relocation of public roads and changing courses or channels of streams, in accordance with law, permitted.

Nothing contained in this section shall be construed to prohibit the relocation of any public road, in the manner provided by law, or the change of the course or channel of any stream, in the manner provided by law, upon permit issued by the Water and Power Resources Board.

Act effective immediately.

Section 2. This act shall become effective immediately upon final enactment.

APPROVED—The 24th day of August, A. D. 1951.

JOHN S. FINE

No. 335

AN ACT

To reenact section 802 of the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," relating to approval of joint plans of merger or consolidation of nonprofit corporations by the members thereof, in order to clarify effect of prior amendments.

"Nonprofit Corporation Law."

Section 802, act of May 5, 1933, P. L. 289, as amended by act of April 18, 1949, P. L. 602, and act of May 23, 1949, P. L. 1783, reenacted.

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

Section 1. Section 802 of the act, approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the