

either file a suggestion of nonpayment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival; and such claim or judgment so entered or revived shall be a valid claim or judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgment was entered and said claim or judgment was entered, and said claim or judgment may be revived or further revived and collected as other claims or judgments upon tax or municipal claims are revived and collected: Provided, That the lien of any such claim or judgment shall not reattach against any real estate transferred to any purchaser before such claim is filed or during the time when the lien of any such tax or municipal claim or judgment was lost, nor shall the lien of any such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the county, city, borough, incorporated town, township, school district, poor district or county institution district to file such claim, or to properly describe the property against which the claim was assessed, or to sue out the writ of scire facias or file a suggestion of nonpayment and an averment of default within the five year period, or was entered of record during the time the lien of such tax or municipal claim or judgment was lost; nor shall any such lien so revived impair or affect the priority of the lien of any mortgage or other lien which was entered prior to the tax or municipal claim or which gained priority during the time such lien was not revived or was not effective.

Proviso.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 23rd day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 392

AN ACT

Amending the act of June 18, 1941 (P. L. 133), entitled "An act relating to coal stripping operations; providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports, and prescribing penalties," changing penalties.

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

Coal stripping.

Section 1. Section 5, act of June 18, 1941 (P. L. 133), entitled "An act relating to coal stripping opera-

Section 5, act of June 18, 1941, P. L. 133, amended.

tions; providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports, and prescribing penalties," is amended to read:

Penalty.

Section 5. Any person, firm or corporation violating any of the provisions of this act shall *be guilty of a misdemeanor and*, upon conviction, [in a summary proceeding] be sentenced to pay for each day of operation which shall constitute a separate offense a fine [of not less than twenty-five dollars (\$25.00) and costs, nor more than one hundred dollars (\$100.00)] *not to exceed two hundred dollars (\$200) and costs*, [and in default of the payment of such fine and costs] *or be imprisoned in the county jail for a period [of ten (10) days] not to exceed three (3) months, or both, at the discretion of the court.*

APPROVED—The 23rd day of September, A. D. 1959.

DAVID L. LAWRENCE

No. 393

AN ACT

Amending the act of June 18, 1941 (P. L. 133), entitled "An act relating to coal stripping operations; providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports, and prescribing penalties," extending the provision of the act.

Coal stripping.

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

Section 2, act of June 18, 1941, P. L. 133, amended.

Section 1. Section 2, act of June 18, 1941 (P. L. 133), entitled "An act relating to coal stripping operations; providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports, and prescribing penalties," is amended to read:

Application of act.

Section 2. This act shall apply to every coal stripping operation in the Commonwealth of Pennsylvania [where three or more persons are employed or engaged at work]. The Department of Mines *and Mineral Industries* shall have exclusive jurisdiction over all coal stripping operations in this Commonwealth. Any mine inspector directed by the Department of Mines *and Mineral Industries* shall have the right to enter upon and inspect all such stripping operations for the purpose of determining the conditions of safety.

Department of Mines and Mineral Industries given jurisdiction over coal stripping operations.

APPROVED—The 23rd day of September, A. D. 1959.

DAVID L. LAWRENCE