

- sible, to secure a donation of a proper and convenient site for the annual State fair. It shall also have power to examine sites for purchase by the Commonwealth for the purposes of the State fair, and for this purpose to secure options. It shall prepare plans for exhibits, together with their equipment, and formulate plans for **advertising, management, and exhibits.** The commission shall have general power to do and undertake all preliminary work looking to the establishment of an annual State Fair. The State Fair Commission shall present a full and complete report to the General Assembly not later than the third Monday of January, one thousand nine hundred and twenty-three, together with its recommendations.
- Plans for exhibits, etc.**
- Report.**
- Appropriation.** Section 4. The sum of fifteen thousand dollars (\$15,000) is hereby appropriated to carry out the provisions of this act.
- Repeal.** Section 5. All act and parts of acts inconsistent with this act are repealed.

APPROVED—The 27th day of May, A. D. 1921.

WM. C. SPROUL.

No. 444.

AN ACT

Affecting anthracite coal mines and operations; establishing the Pennsylvania State Anthracite Mine Cave Commission; defining its jurisdiction and powers; imposing duties upon owners and operators of anthracite coal mines; and imposing penalties.

Pennsylvania
State Anthracite
Mine Cave Com-
mission.
Definitions.

Section 1. Be it enacted, &c., That the words "owner," "operator," and "mine," and the phrase "anthracite coal mine," wherever used in this act, are declared to bear the same meaning as the same bear in the act, approved the second day of June, one thousand eight hundred and ninety-one (Pamphlet Laws, one hundred seventy-six to two hundred and eight, inclusive).

Establishment of
commission.

Section 2. Within three months after the approval of this act, there shall be established a commission, to be known as the Pennsylvania State Anthracite Mine Cave Commission.

Acceptance or
rejection of act
by operators.

Section 3. It shall be the duty of the owner or operator of every anthracite coal mine, within six months after the approval of this act, to signify in writing to the commission whether or not such owner or operator voluntarily accepts the provisions of section eight of this act. Such acceptance or rejection shall be acknowledged, and recorded in the recorder of deeds' office of the county or counties in which such anthracite coal mine or mines are situate, in the same manner as deeds of conveyance. An owner or operator who

has rejected the provisions of section eight of this act may thereafter accept the same in the manner hereinbefore provided.

Section 4. Every owner or operator who fails to signify in writing a non-acceptance of the provisions of section eight of this act, within six months from the approval of this act, shall be conclusively presumed to have accepted the provisions of said section. Every acceptance or failure to signify a non-acceptance as aforesaid shall bind the successors in title, heirs, personal representatives, and assigns of such owner or operator.

Acceptance presumed.

Whom acceptance binds.

Section 5. Every corporation hereafter to be organized, under the laws of this Commonwealth, under a charter giving the privilege to own or operate anthracite coal mines, shall be conclusively presumed to consent to be bound by the provisions of section eight of this act.

Corporations hereafter incorporated.

Section 6. Every foreign corporation hereafter admitted to do business within the jurisdiction of this Commonwealth under a charter giving the privilege to own or operate anthracite coal mines shall be conclusively presumed to consent to be bound by the provisions of section eight of this act.

Foreign corporations.

Section 7. It shall be the duty of every owner and operator of every anthracite coal mine or mining operation to file with the aforesaid commission copies of all maps and plans of their underground workings, whenever the same are required by existing law to be filed or deposited with any public officer or authority.

Maps and plans to be filed with commission.

Section 8. It shall be the duty of every owner or operator who accepts or becomes subject to the provisions of this section of this act in the manner hereinbefore provided, to pay the commission herein established, on the first day of May, August, November, and February, respectively, a sum equal to two per centum of the market price, when prepared for market, of all anthracite coal mined within this Commonwealth by such owner or operator during the first, second, third, and fourth quarters, respectively, of every year. The commission shall have power by suit in assumpsit to enforce collection of such sums as become delinquent, with interest thereon at the rate of one per centum per month.

Payments by operators to commission.

Collection.

Section 9. All sums received by the commission shall be deposited to the credit of the commission in one or more banks which are entitled to receive deposits of State moneys, and shall be expended only, upon order of the commission, for the purposes and objects and in accordance with the provisions of this act.

Deposit and expenditure of commission's funds.

Section 10. Said funds so received shall be expended by the commission for the salaries and other expenses of said commission, for the prevention and

Purposes for which funds may be expended.

elimination of danger to life, limb, and health, and avoidance of grave public harm by surface subsidence resulting from past or future anthracite coal mining operations, and likewise for the prevention, ascertainment, and remedying of damages to persons and properties so resulting.

Claims for damages resulting from caves.

Section 11. Every person, natural or artificial, including municipalities, claiming to have suffered injury or damage to person or property by reason of surface subsidence occurring within six years prior to the passage of this act, or which may hereafter occur, resulting from past or future anthracite coal mining operations, may file a sworn itemized statement thereof with the commission, which shall promptly proceed to investigate the claim, and shall award the claimant such sums as, in its judgment, will fairly compensate for the damages sustained.

Investigation and award.

Restoration in lieu of damages.

Section 12. The commission shall have power in every case, instead of awarding damages to such claimants, to cause injured property to be restored to its former condition, and for this purpose to employ labor, purchase materials, or let contracts.

Release.

Section 13. No awards shall be paid to any such claimant, except upon condition that such claimant execute a general release of all past damages to the particular property injured or damaged in favor of the owner or operator whose workings occasion the damage, provided said owner or operator has accepted the provisions of section eight of this act.

Mining under structures, highways, etc.

Section 14. Every owner or operator who has accepted the provisions of section eight of this act shall be privileged, at any time, to submit to the commission an application, setting forth details of proposed mining operations to recover coal belonging to the applicant and located beneath a structure, highway, or other improvement of a class protected against subsidence by the provisions of the act of one thousand nine hundred and twenty-one, entitled "An act regulating the mining of anthracite coal; prescribing duties for certain municipal officers; and imposing penalties." The application shall also set forth, under oath, the belief of the applicant that the removal of such coal can be affected without endangering human life, limb, or health, or causing grave public harm.

Details of proposed operation to be submitted.

Application for permission.

Investigation.

Section 15. The commission shall take prompt action upon such application, make such investigation as appears to be required, and, if convinced of the truth of the matters set forth in the application, make an order permitting the applicant to carry out proposed mining operations, under such safeguards of life, limb, health, and general welfare, as it may reasonably require; and all damages occasioned by such mining operations shall be paid by the commission: Provided,

Permission.

Rights of support not affected.

however, That nothing in this act contained shall be construed to affect any express or implied contractual or property right of support belonging to the owner of the overlying or adjacent surface.

Section 16. No owner or operator shall be prosecuted for causing a subsidence, collapse, or cave-in of any structure, highway, or other property, where the mining operations had been conducted in pursuance of an order of the commission and in a careful and skillful manner.

Prosecution
of operators.

Section 17. The commission, its engineers, and agents, shall have the right of access, at all reasonable times, to all anthracite coal mines and mining operations, and to all papers, records, books, maps, plans, charts, and other documents pertaining thereto; and where, upon investigation, conditions appear to exist in any mine or mining operation which threatens the life, limb, or health of persons upon the surface, the commission may, after hearing and determination of the existence of such danger, order and direct the owner or operator in control of such mine or mining operation to leave or provide such support or to take such precautions as the commission may determine are reasonably necessary to avoid or eliminate such danger, provided that any owner or operator who has accepted the provisions of section eight of this act, and contributed the sums required to be paid under said section, shall be reimbursed by the commission for the fair and reasonable value or cost of the support so required to be left or provided.

Right of access to
operations and
books.

Orders to remedy
dangerous con-
ditions.

Reimbursement
of operator.

Section 18. Whenever, in the opinion of the commission, it shall be deemed necessary for the safety of the traveling public using any public street or of any person occupying or residing upon property from under which the coal has been mined prior to the passage of this act or is about to be mined out under the provisions of this act, in such a manner and to such an extent as to create a public peril, the commission shall have the right and power to withdraw said portion or portions of such street or streets from public use by closing the same until such time as the danger is removed, and likewise, upon the petition of the majority of the inhabitants of any territory affected as aforesaid, to direct said inhabitants to temporarily remove therefrom until such time as the danger has been eliminated. In such case, the commission shall provide suitable and adequate housing facilities for the inhabitants so affected, and recompense any injured party for all damages and expenses by them sustained in such connection, such damages to include all expense of moving from and to said property and all additional expense, including loss of rents, resulting from the aforesaid removal, which

Closing of
dangerous
streets.

Removal from
endangered
properties.

Housing of
inhabitants who
have moved.

Damages caused
by moving.

the commission may approve, and likewise any damage to any buildings or building so affected, except to the extent which the same may be repaired or restored by said commission or under its authority out of the funds so provided. In case any owner or occupant of any property in such affected territory shall refuse to comply with any order of the commission in this behalf, he shall not be entitled to receive any compensation or reparation from said commission.

Refusal to move.

Priorities in
commission's
funds.

Section 19. In case at any time the commission has not sufficient funds to pay all sums awarded by it, the following preference shall be made in the payments:

1. Payments of the necessary expenses of the commission.

2. Awards to persons injured or damaged in person or property by mining operations of mines the owners or operators of which have accepted the provisions of section eight of this act, priority being given in accordance with the date upon which the claims were filed.

3. Expenditures for the prevention of threatened injury or damage to persons or property by surface subsidence resulting from anthracite coal mining operations. Where the commission shall certify that an emergency exists, such payments shall take precedence over payments of awards of damage for injuries.

4. All other awards, priority being given in accordance with the date upon which the claims were filed.

Where payments of awards are deferred for lack of funds, such awards shall bear interest at the rate of six per centum per annum.

Personnel of
commission.

Section 20. The commission shall consist of a chairman and two other members, one of whom shall be a practical mining engineer, and all of whom shall be citizens and residents of the anthracite producing counties of the Commonwealth, to be appointed by the Governor and to hold office during his pleasure, and shall establish headquarters at such place in the anthracite region as it may determine.

Headquarters.

Organization and
salaries.

Section 21. The members of the commission shall each receive a salary of eight thousand dollars per annum and their actual necessary expenses. The commission shall employ a secretary, counsel, and such other deputies, assistants, engineers, investigators, and clerks, as it seems necessary, and may fix and pay the salaries thereof, the organization to be modeled as nearly as practicable upon the organization of the Public Service Commission: Provided, however, That all salaries and expenses of the commission shall be payable only out of the funds received by them from owners and operators who have accepted the provisions of section eight of this act, and no funds shall be pay-

Payment
of salaries.

able out of the public treasury on account of salaries or expenses of the commission or awards of damages.

Section 22. The commission shall make annual report to the Governor, and shall recommend to the Governor such changes in the laws as will, in its opinion, reduce the evils resulting from mine caves or surface subsidences in the anthracite region of this Commonwealth.

Section 23. The commission shall have power to issue subpoenas and subpoena duces tecum, to administer oaths, and to regulate the procedure to govern the conduct of its affairs. Any person aggrieved by any final order of the commission shall have the right to appeal to the courts of the Commonwealth to the same extent and in the same manner as appeals are allowed from final orders of the Public Service Commission.

Section 24. It is hereby declared that the provisions of this act are severable one from another, and if, for any reason, this act should be judicially declared and determined to be unconstitutional so far as relates to one or more phrases, clauses, sentences, paragraphs, or sections thereof, such judicial determination shall not affect any other provisions of this act. It is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the invalidity in any respect of one or more of the provisions of this act.

Section 25. Any owner or operator, or officer, agent, or employe thereof, wilfully violating any order of the commission shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five thousand (\$5,000) dollars, or undergo imprisonment of not more than one (1) year, or both, at the discretion of the court.

Section 26. All acts or parts of acts inconsistent with this act are hereby repealed: Provided, however, That nothing herein contained, except as expressly recited, shall in any manner affect the act of one thousand nine hundred and twenty-one, entitled "An act regulating the mining of anthracite coal; prescribing duties of certain municipal officers; and imposing penalties."

APPROVED—The 27th day of May, A. D. 1921.

WM. C. SPROUL.