

near the west boundary line of Wellsville Borough; thence in a general northerly direction through Warrington Township to a point on Route 66006 about 0.6 of a mile southeast of its intersection with Route 66025, in York County, a distance of about 2.9 miles.

Route 66203. Beginning at a point on Route 66050 about 1.2 miles southwest of its intersection with Route 66094; thence in a northwesterly direction through West Manchester Township to a point on Route 126 about 0.3 of a mile northeast of its intersection with Route 492, in York County, a distance of about 1.75 miles.

Route 66204. Beginning at a point on Route 66012 about 0.1 of a mile north of its intersection with Route 66057; thence in a northeasterly direction through Chanceford Township to a road intersection, in York County, a distance of about 0.4 of a mile.

Section 3. The highways established as State highways under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the final enactment of this act when the same shall become effective, and shall be taken over not later than January first, one thousand nine hundred thirty-eight.

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

GEORGE H. EARLE

No. 438

AN ACT

To promote safety for the traveling public on State highways; to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support, and declaring said subsidence a public nuisance; to provide for inspection of mine maps by the Department of Highways, and the furnishing to said department of copies of such mine maps in certain cases; to authorize entry by the Department of Highways into mines in certain cases; and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways; and providing penalties.

Section 1. Be it enacted, &c., That whenever a State highway, or any part thereof, subsides by reason of the failure of vertical or lateral support therefor, it shall be the duty of the person, copartnership, association or corporation then owning the subjacent or adjacent strata, as the case may be, to provide for the restoration of the vertical and lateral support, and the replacement of the surface of such highway, upon receiving from the Department of Highways notice to proceed with such restoration and replacement. In the event that such owner of the subjacent or adjacent strata does not pro-

Subsidence.

Duty to restore and replace.

Public
nuisance.

Failure to
restore and
replace.

Meaning
of terms.

Duty to
furnish
information.

Notice to
Department
of Highways.

Inspection by
Department
of Highways.

ceed, immediately after notice, with the replacement and restoration of the highway, and does not diligently complete such restoration and replacement within a reasonable time, the subsidence is hereby constituted and declared a public nuisance which may be abated by appropriate proceedings, in law or in equity, against such owner. If such owner fails or refuses to provide for the restoration and replacement of the highway, then the Department of Highways may proceed with such restoration and replacement, and the underlying owners of the subjacent or adjacent strata, both at the time the vertical or lateral support was removed and at the time the subsidence occurred, and their respective assignees, lessees or grantees shall be jointly and severally liable for the cost of restoration: Provided, however, That the provisions of this section shall not be construed to restrict any existing remedy now available to the Commonwealth, nor shall it be so construed as to nullify or modify any existing assignment or agreement transferring the obligation to furnish vertical and lateral support of the surface, as between the parties thereto.

The term "subjacent or adjacent strata," as used in this section, shall mean any land, or estate, or right therein from which materials have been extracted by mining or quarrying operations causing the subsidence.

Section 2. It shall be the duty of any person, copartnership, association or corporation, operating any quarries or mines in this Commonwealth under or adjacent to State highways, to permit inspection by the Department of Highways of any maps, drawings or blue prints of such quarry or mine workings, and to furnish a copy of such maps, drawings or blue prints to such Department of Highways, which maps, drawings or blue prints shall indicate the location of such State highways with reference to their quarrying or mining operations.

Section 3. It shall be the duty of any person, copartnership, association or corporation mining or quarrying, or about to mine or quarry, under any State highway or within three hundred (300) feet horizontally from the center line of any State highway, projected downward vertically, to notify the Department of Highways, and to furnish copies of maps, drawings or blue prints and such other information as may be reasonably required by the Secretary of Highways.

Section 4. The Department of Highways, through its authorized representatives, shall have the right to enter upon and into any quarry or mine workings under or adjacent to any State highway for the purpose of inspecting the actual conditions of such workings, and it shall be the duty of any person, copartnership, association or corporation operating any such quarry or mine to permit such inspection, and to give such information

and assistance in the making of the same as may be reasonably required by the Secretary of Highways.

Section 5. Any person who shall fail to comply with the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500.00) or suffer imprisonment for not more than six (6) months, or both, in the discretion of the court. For the purposes of this section the word "person" shall mean the partners or members of any copartnership or association, and shall mean the officers of any corporation. All penalties collected under the provisions of this act and all bail forfeited shall be paid into the State Treasury and credited to the Motor License Fund. Penalty.

Section 6. (a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public safety in the use of State highways, and shall be liberally construed for the accomplishment of this purpose. Police power.

(b) The provisions of this act are severable, and, if any of its provisions shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein. Constitutional provision.

Section 7. This act shall become effective immediately upon its approval by the Governor. When effective.

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

GEORGE H. EARLE

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No. 439

AN ACT

To amend sections two and three of the act, approved the fourteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred twenty-one), entitled "An act providing for the service of process in civil suits on nonresident operators, or nonresident owners, of motor vehicles operated within the Commonwealth of Pennsylvania; and making the operation of such a motor vehicle on the public highways of the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania, as the agent of the said nonresident, upon whom civil process may be served; and providing for further notice to the defendant in any such suit," as amended, by providing further for the return of and fees for service.

Section 1. Be it enacted, &c., That section two of the act, approved the fourteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thou-

Section 2,
act of May 14,
1929 (P. L.
1721), as
amended by
act of May 16,
1935 (P. L.
174), further
amended.