

hundred and seventy-four (Pamphlet Laws, one hundred twenty-five), entitled "An act regulating State tax on certain county offices," as last amended by the act, approved the thirtieth day of March, one thousand nine hundred and twenty-one (Pamphlet Laws, sixty-nine), is hereby further amended to read as follows:

Section 1. That in counties of less than one hundred and fifty thousand inhabitants, the prothonotaries or clerks of the several courts of common pleas, quarter sessions of the peace, oyer and terminer, and orphans' courts, the register of wills, and the recorder of deeds, shall keep, or cause to be kept, a fair and accurate account of all fees received for services performed by them or any person employed by them in their respective offices; and shall also, on the first Monday of January of each year, furnish a copy of said account, upon oath or affirmation, to the auditor appointed by the court to settle the accounts of county officers; and shall also pay to the county treasurer, for the use of the respective counties, after deducting all necessary clerk hire and office expenses, fifty per centum on the amount of any excess over and above the sum of [three] four thousand dollars, which shall be found by the said auditor, appointed by the court to settle the accounts of county officers, to have been received by any officer in any one year: Provided, That if two or more of said offices shall be held by one person, the said auditor shall add together the fees received in the offices so held, and shall charge the same percentage on the aggregate amount of fees received by such person holding more than one of said offices. A copy of the report of the said auditor, when completed, shall be presented by him to the court of common pleas of the respective counties, and filed among the records of said court; which said report shall thereafter have all the force and effect of, and be subject to the same procedure as applies to, the report of the county auditors.

Account of fees.

Auditing.

Payment to county treasurer.

Proviso.

Filing of auditor's report.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 579

AN ACT

Regulating the mining of bituminous coal in counties of the second class; prescribing duties for county commissioners; and imposing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful for any owner, operator, director, or general manager, superintendent, or other person in charge of or

Restrictions on mining bituminous coal.

having supervision over any bituminous coal mine or mining operation in any county of the second class, to mine bituminous coal or to conduct the operation of mining bituminous coal in such a negligent manner as to cause the caving in, collapse, or subsidence of—

(a) Any public building or any structure customarily used by the public as a place of resort, assemblage, or amusement, including, but not being limited to, churches, schools, hospitals, theatres, hotels, and railroad stations.

(b) Any street, road, bridge, or other public passageway dedicated to public use or habitually used by the public.

(c) Any track, roadbed, right of way, pipe, conduit, wire, or other facility used in the service of the public by any municipal corporation or public service company as defined by the Public Service Company Law.

(d) Any dwelling or other structure used as a human habitation or any factory, store, or other industrial or mercantile establishment in which human labor is employed.

(e) Any cemetery or public burial ground.

Maps or plans of workings.

Section 2. Every owner, operator, lessor, lessee, or general contractor, engaged in the mining of bituminous coal within any county of the second class of this Commonwealth, shall make or cause to be made a true and accurate map or plan of the workings or excavations of such bituminous coal mine or colliery, which shall be drawn to a scale of such size as to show conveniently and legibly all markings and numbers required to be placed thereon by the terms of this act. Such maps or plans shall also show in detail and in markings of a distinctive color, all contemplated workings which are intended to be undertaken or developed within the succeeding six months. Such maps or plans shall be filed as often as once in six months with the county commissioners of the proper county. Such maps or plans shall be considered public records, and shall be open to the inspection of the public and copies or tracings may be made therefrom. No mining shall be done which is not shown on the map or filed at least ten days previously.

Designation of pillars of coal.

Section 3. Every owner, operator, lessor, lessee, or general contractor, engaged in the mining of bituminous coal in any county of the second class, or any president, director, general manager, superintendent, or other person in charge of or having supervision over any bituminous coal mine or mining operation in this Commonwealth, shall be and is hereby required—(a) To designate within a period of six months from the passage of this act, and to keep designated by number, each and every pillar of coal beneath the surface still

remaining in place at the time this act goes into effect and all pillars thereafter created, the number of each pillar to the place in a conspicuous position with white paint or some other equally durable and visible substance; and (b) to designate or cause to be designated, by numerals of convenient and legible size, upon all maps or plans mentioned in section two of this act, with the space on each map or plan designating any pillar of coal the number of such pillar.

Section 4. The county commissioners of any county of the second class, and such engineers and other agents as they may employ, shall at all reasonable times be given access to any portion of any bituminous coal mines or mining operations which it may be necessary or proper to inspect for the purpose of determining whether the provisions of this act are being complied with, and all reasonable facilities shall be extended by the owner or operator of such mine or mining operation for ingress, egress and inspection.

Access for inspection.

Section 5. Any owner, operator, lessor, lessee, or general contractor, engaged in the mining of bituminous coal, or any president, director, general manager, superintendent, or other person in charge of, or having supervision over, any bituminous coal mine or mining operation, who shall violate any provision of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not more than five thousand dollars, or undergo imprisonment for not more than one year, both or either, at the discretion of the court.

Penalty.

Section 6. The courts of common pleas shall have power by injunction to compel compliance with the provisions of this act.

Injunctions to compel compliance with this act.

Section 7. This act is intended as remedial legislation designed to cure existing evils and abuses, and each and every provision thereof is intended to receive a liberal construction such as will best effectuate that purpose.

Remedial legislation to be liberally construed.

Section 8. It is hereby declared that the provisions of this act are severable one from another, and if for any reason this act shall be judicially declared and determined to be unconstitutional so far as relate to one or more words, phrases, clauses, sentences, paragraphs, or sections thereof, such judicial determination shall not affect any other provision of this act. It is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the validity in any respect of one or more of the provisions of this act.

Constitutional provisions.

Section 9. This act shall go into effect three calendar months after its final enactment.

When effective.

Inconsistent acts repealed.

Section 10. All acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 2d day of July, A. D. 1937.

GEORGE H. EARLE

No. 580

AN ACT

To amend section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, eighty-nine), entitled "An act granting authority to the courts of common pleas, in the several counties of this Commonwealth, to issue writs of estrepement to stay waste upon lands sold for taxes, during the time provided for redemption," by extending the provisions thereof to seated lands sold by county treasurers, and to lands sold at sheriffs sales under tax or municipal claims.

Section 1, act of June 13, 1883 (P. L. 89), amended.

Section 1. Be it enacted, &c., That section one of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, eighty-nine), entitled "An act granting authority to the courts of common pleas, in the several counties of this Commonwealth, to issue writs of estrepement to stay waste upon lands sold for taxes, during the time provided for redemption," is hereby amended to read as follows:

Purchaser of seated or unseated land may apply to court for writ to stay waste.

Section 1. Be it enacted, &c., That hereafter, when any seated or unseated lands shall have been sold for arrearages of taxes, by the county treasurer of any county in this Commonwealth, *or whenever any seated or unseated lands shall have been sold at sheriff's sale under a tax or municipal claim*, as is now or may be provided by law, it shall be lawful for the purchaser or purchasers of said [unseated] lands, to apply to any court of common pleas of the county in which said [unseated] lands are situated, during the session of the said courts, or to any judge of such courts in vacation, and on presentation of a petition and affidavit made by him, her or them, or some other [creditable] *interested* person, setting forth that the owner or owners, or some other person or persons, acting under the owner or owners thereof, have committed waste to the said lands, and that such [purchaser or purchasers, or some other person for him, her or them] *petitioner* verily apprehends in consequence of such threat, that such waste will be committed, unless the same be restrained by law, it shall be lawful and the duty of such courts or judge, in its or his discretion, to order the prothonotary of said court to issue a writ of estrepement to stay waste upon such lands, which said writ shall have the same effect, to all intents and purposes, and shall be governed by the same rules of law, as

Petition and affidavit of facts to be filed.

Court, in its discretion, may order writ to be issued.

Effect of writ.