

any secular day, or on the first day of the week commonly called the Sabbath Day, or knowingly allows or permits any person under the age of eighteen (18) years to be present in any public pool-room or billiard room, upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine not exceeding ten dollars (\$10), and, in default of the payment of such fine, and costs, shall be imprisoned not exceeding thirty (30) days.

Section 2. Section 699.4 of the act, amended August 28, 1959 (P. L. 777), is amended to read:

Section 699.4. Worldly Employment or Business on Sunday.—Whoever does or performs any worldly employment or business whatsoever on the Lord's day, commonly called Sunday (works of necessity, [and] charity and wholesome recreation [only] excepted), [or uses or practices any game, hunting, shooting, sport or diversion whatsoever on the same day, not authorized by law,] shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of four dollars (\$4), for the use of the Commonwealth, or, in default of the payment thereof, shall suffer six (6) days' imprisonment.

As used in this section "wholesome recreation" shall mean golf, tennis, boating, swimming, bowling, basketball, picnicking, shooting at inanimate targets and similar healthful or recreational exercises and activities.

Nothing herein contained shall be construed to prohibit the dressing of victuals in private families, bake-houses, lodging-houses, inns and other houses of entertainment for the use of sojourners, travellers or strangers, or to prohibit the sale of newspapers, or to hinder watermen from landing their passengers, or ferrymen from carrying over the water travellers, or persons removing with their families on the Lord's day, commonly called Sunday, nor to the delivery of milk or the necessaries of life, before nine of the clock in the forenoon, nor after five of the clock in the afternoon of the same day.

APPROVED—The 16th day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 685

AN ACT

Authorizing the conveyance of Fort Necessity Park in Wharton Township, Fayette County, to the government of the United States *of America for use as a National Park and with certain reservations ceding jurisdiction over such lands.

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

* "of America" not in original.

Section 699.4 of the act, amended August 28, 1959, P. L. 777, further amended.

Department of
Property and
Supplies, with
approval of Gov-
ernor, authorized
to convey certain
land in Wharton
Township, Fay-
ette County, to
the United
States
Government.

Section 1. The Department of Property and Supplies, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to convey to the government of the United States *of America for use as a National Park for a consideration of one dollar (\$1) the following; described tracts of land situate in the township of Wharton, County of Fayette and Commonwealth of Pennsylvania, commonly referred to as Fort Necessity Park, and bounded and described as follows:

Description.

Tract No. 1. Beginning at a point in the center of the National road in line of land of Jacob Johnson, then by said Johnson north 41 degrees 52 minutes east 1259.02 feet to stone in line of Irwin Groover; thence by said Groover south 62 degrees 14 minutes east 768.10 feet to a stake; thence by the remainder of the tract of which the land herein described is a part south 41 degrees 55 minutes west 1503.61 feet to a point in the center of said National road; thence by the center of said road north 43 degrees 25 minutes west 744.47 feet to the place of beginning, containing 23.562 acres as per survey of Gans and Dunn Civil **Engineers, made July 14, 1909, being the same property which was conveyed to Fort Necessity Chapter, Pennsylvania Society of the Sons of the American Revolution, a corporation, by deed of General Braddock Memorial Park Association, by deed, dated September 24th, 1930, and recorded in the office of the Recorder of Deeds of Fayette County, Pennsylvania, in Deed Book vol. 507, page 269.

Also being the same property which was conveyed to the Commonwealth of Pennsylvania, Department of Forest and Waters, by deed of the Fort Necessity Chapter, Pennsylvania Society of the Sons of the American Revolution, a corporation, dated April 30, 1952, and recorded in the office of the Recorder of Deeds of Fayette County, Pennsylvania, in Deed Book vol. 766, page 24.

Description.

Tract No. 2. Beginning at a post on the south side of the National Pike at corner common to William Burley and the within described tract; thence along the south side of the National Pike south 51 degrees 3 minutes east 3,185.1 feet to a post; thence south 12 degrees 15 minutes west 683.7 feet to a post; thence north 78 degrees 17 minutes west 2,235 feet to stones; thence south 89 degrees 23 minutes west 582.5 feet to stones; thence south 4 degrees 13 minutes west 858 feet to a post; thence north 83 degrees 53 minutes west 1360 feet to stones; thence south 6 degrees 8 minutes west 2392 feet to a Maple; thence north 84 degrees 11 minutes west 1941 feet to stones; thence north 6 degrees 31 minutes east 2385 feet to stones; thence north 84 degrees 18 minutes

* "of America" not in original
** "Engineers" in original.

west 423 feet to a post and stones; thence north 13 degrees 57 minutes west 600 feet to stones; thence north 60 degrees 9 minutes east 1509.5 feet to a post; thence south 15 degrees 15 minutes east 1387 feet to a post; thence north 44 degrees 45 minutes east 3792 feet to a post, the place of beginning, containing 313.012 acres, more or less.

Excepting and reserving therefrom, however, all the following described piece of land: Reservation.

Beginning at a stone corner, which said stone corner is referenced by the first two following courses and distances: From a post corner of lands of William Burley and Walter Fazenbaker; thence north 44 degrees 45 minutes east a distance of 2549.5 feet to a point on line between lands of said Burley and said Fazenbaker said point being distant 1242.5 feet from a post corner at the intersection of said line with the National Highway; thence south 49 degrees 42 minutes east a distance of 155.85 feet to stone corner the beginning point first above mentioned; thence north 38 degrees 38 minutes east a distance of 345.7 feet to a stone corner; thence south 51 degrees 22 minutes east a distance of 252 feet to a stone corner; thence south 38 degrees 38 minutes west a distance of 345.7 feet to a stone corner; thence north 51 degrees 22 minutes west a distance of 252 feet to stone corner, the place of beginning, containing approximately 2 acres.

Being the same two acre tract of land conveyed by Walter Fazenbaker and Donna M. Fazenbaker, his wife, to the United States of America.

Being a part of those tracts of land which became properly vested during his lifetime in Edward L. Fazenbaker of which he died seized on January 11, 1918. And being the same tract of land which became vested under the Intestate Laws of the Commonwealth of Pennsylvania in the heirs at law of Edward L. Fazenbaker and which was conveyed to Walter Fazenbaker by a special warranty deed from Maude Baker et al., dated April 7, 1926, and recorded in Fayette County in Deed Book 472, page 433.

It being the same tract of land which under the terms of an Act of Assembly, approved June 23, 1931 (P. L. 1204), the Department of Forests and Waters was authorized through the Department of Property and Supplies to acquire. Being described in the Act of Assembly as a farm in Wharton Township, Fayette County, containing approximately 234 acres on which is located the site of Fort Necessity. Recital of title.

Also being the same property which was conveyed to the Commonwealth of Pennsylvania by deed of Walter Fazenbaker and Donna M. Fazenbaker, his wife, dated March 21, 1932, and recorded in the office of the Recorder

of Deeds of Fayette County, Pennsylvania, in Deed Book vol. 512, page 480.

Conditions.

Section 2. The conveyance shall be made under and subject to all easements, servitudes and rights of others, including but not confined to streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipe line companies as well as under and subject to any estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

Approval and execution.

Section 3. The deed of conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania.

Jurisdiction being ceded is exclusive except for two provisos.

Section 4. Exclusive jurisdiction over the lands conveyed under the provisions of this act is hereby ceded to the United States *of America by the Commonwealth of Pennsylvania and said lands shall be exempt from the payment of all taxes State and local: Provided, That the Commonwealth of Pennsylvania shall retain a concurrent jurisdiction with the United States *of America over the lands so acquired by the United States *of America for the purpose of serving of all civil processes: And provided further, That such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crimes committed without the area so acquired may be executed therein in the same manner as though this cession had not been granted.

APPROVED—The 16th day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 686

AN ACT

Amending the act of June 2, 1891 (P. L. 176), entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania and for the protection and preservation of property connected therewith," changing the inspection period; imposing certain duties on mine inspectors, mine superintendents and foremen; requiring additional information on maps and plans; and changing provisions relating to mine inspectors' reports.

* "of America" not in original.