

(000) before it is tested, after which it shall be operated at least one hundred times. After the completion of such examination and test, the custodian shall then and there prepare a statement, in writing, giving in detail the result of the examination and test, and such statement shall be witnessed by the persons present, and shall be filed with the said court or board. If, upon such canvass, it shall appear that the original canvass of the returns by the election officers was incorrect, the said returns and all papers being prepared by the said court or board shall be corrected accordingly.

(b) Provided, however, That in the case of returns from any election district wherein the election was held by the use of a voting machine equipped with mechanism for printing paper proof-sheets, said proof-sheets, if mutually consistent, shall be deemed to be the primary evidence of the result of the election and to be prima facie accurate, and there shall not be considered to be any discrepancy or error in the returns from any such district, such as to require a canvass of the vote, if all available proof-sheets, from the voting machine used therein, identified to the satisfaction of the return board and shown to its satisfaction to have been produced from proper custody, shall be mutually consistent, and, if the general and duplicate returns, or either of them, from said district shall not correspond with said proof-sheets, they, and all other papers being prepared by said return board, shall be corrected so as to correspond with the same, in the absence of allegation of specific fraud or error, proved to the satisfaction of the return board by the weight of the evidence, and only in such case shall the vote of said election district be canvassed under the provisions of this section.

Section 7. This act shall become effective immediately upon final enactment.

When effective.

APPROVED—The 7th day of May, A. D. 1935.

GEORGE H. EARLE

No. 55

AN ACT

To preserve the purity of the waters of the Commonwealth and to avoid the danger of fire, by requiring the owners, operators and lessees of abandoned bituminous coal mines and workings to seal the entries and air shafts thereof; and conferring powers upon the Department of Mines to carry into effect the provisions of this act.

WHEREAS, It is a known fact that the combination of oxygen and water is necessary to liberate the sulphuric acid content from the pyrites of iron and sulphur in

Preamble.

coal seams, thus making mine water discharge impure; and also that the caving in of pit mouths, thus cutting off the air, shortly makes the seepage coming from the abandoned mine again pure; therefore,

Regulating the sealing of abandoned bituminous coal mines.

Section 1. Be it enacted, &c., That it shall be the duty of each and every owner, operator, or lessee of any abandoned bituminous coal mine or abandoned working, which is discharging polluted water which flows into any of the streams or rivers of this Commonwealth, or which is in danger of being set afire, to shoot down, or cause to be shot down, or otherwise seal, or cause to be sealed, the entries and air shafts of such abandoned coal mine or working for the purpose of cutting off the supply of air from the abandoned mine or working.

Duty of Department of Mines to seal upon failure of owner or lessee to do so.

Section 2. In case any such owner, operator or lessee, of any such abandoned bituminous coal mine or working, shall fail, neglect, or refuse to seal, or cause to be sealed, the openings of the same within sixty days after notice so to do by the Department of Mines, it shall be the duty of said Department to enter upon the land or lands, where the entries and air shafts to such abandoned mines or workings are located, and to shoot down, or otherwise seal, such openings as provided by this act.

Where owner is unknown or whereabouts unknown.

Section 3. Where the owner, operator or lessee of any such abandoned bituminous coal mine or working is unknown, not in being, or his or its whereabouts unknown, then in such case, the Department of Mines is hereby authorized to enter upon the land or lands, where the entries and air shafts to such mines or workings are located, and shoot down, or otherwise seal, such openings.

Individuals and political subdivisions may file complaints.

Section 4. Upon complaint of any individual or political subdivision, whose interests are affected by such polluted mine water discharge, it shall be the duty of the Department of Mines to notify the owner, operator or lessee of such abandoned coal mine or working, and upon his or its failure to shoot down, or cause to be shot down, or otherwise seal, or cause to be sealed the entries of such mines or workings, to enter upon the property and perform the work necessary to bring about such sealing, as provided for in sections two and three of this act.

Section 5. The cost of performing the work necessary to carry out the provisions of this act shall be paid by the Commonwealth from appropriations made to the Department of Mines, and/or from such allotments as may be made for this purpose by the relief and/or public works authorities or agencies of the Commonwealth and/or the United States of America.

When effective.

Section 6. This act shall become effective immediately upon final enactment.

APPROVED—The 7th day of May, A. D. 1935.

GEORGE H. EARLE