

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.

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

Section 1. Section 1 of article I., 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," reenacted and amended June 5, 1947 (P. L. 478) and amended July 20, 1953 (P. L. 522), is amended to read:

Health and safety in anthracite coal mines.

Section 1, article I., act of June 2, 1891, P. L. 176, reenacted and amended June 5, 1947, P. L. 478, and amended July 20, 1953, P. L. 522, further amended.

ARTICLE I.

Section 1. Be it enacted, &c., That this act shall apply to every anthracite coal mine or colliery in the Commonwealth where five or more persons are employed or engaged in work, but mine inspectors shall, nevertheless, at least once in each [six] *two* months enter and inspect all mines where from one to five persons are employed or engaged in work for the purpose of determining the conditions of safety in any such mine. In case a mine inspector shall find any such mine to be unsafe, or to be operated in any unsafe manner, measured by standards of safety provided by regulations promulgated by the Secretary of Mines and Mineral Industries, he or his mine inspector shall order such unsafe conditions to be forthwith corrected, and in default of the owner or operator doing so, shall order such mine closed until the unsafe conditions are corrected. Appeals from any order of the Secretary of Mines and Mineral Industries or any of his mine inspectors shall be taken as provided under the Administrative Agency Law. Mandatory enforcement of any such order may be had by injunction proceedings. In any mine where five or less persons are employed or where five or less persons are engaged in the production of anthracite, the Secretary shall close such mine pending any appeal from his order or the order of any of his mine inspectors with respect to the correction of any unsafe conditions or from any restraining order of any court.

Application of act.

At least once in each two months, mine inspectors to enter and inspect all mines where one to five persons are engaged.

Corrections of unsafe conditions.

Any such regulations promulgated by the Secretary of Mines and Mineral Industries shall be selected from the act and the amendments thereto for mines in which five or more persons are employed or engaged in work, and shall include only such regulations as are reasonably applicable to mines employing fewer than five persons.

Regulations promulgated by Secretary of Mines and Mineral Industries.

Any person who shall continue to operate or be a party to the operation of a mine in which from one to five persons are employed, or engaged in work without correcting the unsafe conditions as ordered by a mine inspector, shall upon conviction thereof, in a summary proceeding for a first offense, be sentenced to pay a fine of fifty dollars (\$50) and costs of prosecution, and in

Violation.

Conviction.

Penalties.

default of the payment of such fine and costs shall be imprisoned for a period of ten (10) days, and upon conviction of a second or subsequent offense shall be sentenced to pay a fine of one hundred dollars (\$100) and costs of prosecution and be imprisoned for a period of thirty (30) days. Upon conviction of a second or subsequent offense, each day during which a person shall operate, or be a party to the operation of a mine, contrary to the order of the mine inspector shall constitute a separate offense.

Where information shall be brought.

Information charging violations of any of the summary provisions of this act shall be brought before any magistrate, alderman, or justice of the peace within the county where the alleged violation occurred.

Section 15, article II. of the act, amended May 20, 1949, P. L. 1536, further amended.

Section 2. Section 15 of article II. of the act, amended May 20, 1949 (P. L. 1536), is amended to read:

ARTICLE II.

Inspectors and Inspection Districts.

Duties of inspectors.

Section 15. The inspectors shall devote their whole time and undivided attention and efforts to the duties of their office. They shall examine all the collieries in their district at least once every [three] *two* months and as often, in addition thereto, as the Secretary of Mines and Mineral Industries may direct or the necessities of the case or the condition of the mines require; they shall see that every necessary precaution is taken to secure the safety of the workmen, and that the provisions of this act are observed and obeyed; and they shall personally visit each working-face *where work has progressed since the last inspection*, and see that the air current is carried to the working-faces and is of sufficient quantity or volume to thoroughly ventilate the places. They shall, within fifteen (15) days after [the quarterly] *every* inspection, make a report of the condition of each working-face in each colliery, on a form to be furnished to the inspectors by the Secretary of Mines and Mineral Industries, designating *as they appear on the maps of the mine inspector and mine operator the gangway title* in which the working is situated, and the breast number of said working, and their condition shall be designated [by the words good, fair, or bad, as the circumstances may warrant; and a] *in clear, specific, descriptive language (use of generic words such as good, fair, or bad, are not deemed to be specific), and shall note any action that may be taken.* A duplicate of the said report shall be immediately mailed to the operator and by him at once placed in a weather or dust-proof case, with a glass front furnished by the operator, and placed in a conspicuous place at each mine opening, shaft, slope, or drift, so that

the workmen have easy access thereto. They shall certify, in said report, that the employes are hoisted to the surface of the ground or given access thereto according to law; they shall attend every inquest held by the coroner or his deputy upon the bodies of persons killed in or about the collieries in their district; they shall visit the scene of the accident, for the purpose of making an examination into the particulars of the same, wherever loss of life or serious personal injury occurs, as elsewhere herein provided for, and make an annual report of their proceedings to the Secretary of Mines and Mineral Industries, at the close of every year, enumerating all the accidents in and about the collieries in their district, marking in tabular form those accidents causing death or serious personal injury, the condition of the workings of the said mines with regard to the safety of the workmen therein and the ventilation thereof, and the results generally shall be fully set forth; and such other duties as now are or hereafter may be required by law or the Secretary of Mines and Mineral Industries.

Section 3. The last paragraph of section 17 of article II. of the act, amended June 8, 1901 (P. L. 535), is amended to read:

Last paragraph, section 17, article II. of the act, amended June 8, 1901, P. L. 535, further amended.

ARTICLE II.

Inspectors and Inspection Districts.

Section 17. * * *

The inspector shall make a record of the visit, noting the time [and material circumstances of the inspection] *designating the place inspected by gangway title and breast number, as they appear on the maps of the mine inspector and mine operator, listing specifically any deficiencies observed and stating any remedial action taken.*

Record of visit.

It shall be the duty of the mine inspector to transmit to the Secretary of Mines and Mineral Industries all stop orders he may issue, designating the exact location of the area involved and the reason for and time of issuance of the stop order. Upon receipt of all stop orders, the Secretary of Mines and Mineral Industries shall immediately record them in a special ledger to be used exclusively for the recording of such orders.

Stop orders.

Section 4. Sections 1 and 2 of article III. of the act are amended to read:

Sections 1 and 2 of article III. of the act, amended.

ARTICLE III.

Surveys, Maps and Plans.

Section 1. The owner, operator or superintendent of every coal mine or colliery shall make, or cause to be

Owner shall have accurate map made.

What shall be contained in map.

made, an accurate map or plan of the workings or excavations of such coal mine or colliery, on a scale of one hundred feet to the inch, which map or plan shall exhibit the workings or excavations in each and every seam of coal and the tunnels and passages connecting with such workings or excavations. It shall state in degrees the general inclination of the strata with any material deflection therein in said workings or excavations, and shall also state the tidal elevations of the bottom of each and every shaft, slope, tunnel and gangway, and of any other point in the mine or on the surface where such elevation shall be deemed necessary by the inspector. The map or plan shall show the number of the last survey station and date of each survey on the gangways or the most advanced workings, *and the location and identity of each working-face advanced and the location of each area of pillar removed since the last inspection.* It shall also accurately show the boundary lines of the lands of the said coal mine or colliery and the proximity of the workings thereto, and in case any mine contains any water dammed up in any part thereof, it shall be the duty of the owner, operator or superintendent to cause the true location of the said dam to be accurately marked on said map or plan, together with the tidal elevation, inclination of strata and area of said workings containing water, and whenever any workings or excavations [is] *are* approaching the workings where such dam or water is contained or situated, the owner, operator or superintendent shall notify the inspector of the same without delay.

Distribution of map copies.

A true copy of which map or plan the said owner, operator or superintendent shall deposit with the inspector of mines for the district in which the said coal mine or colliery is situated, showing the workings of each seam, if so desired by the inspector, on a separate sheet of tracing muslin. One copy of the said map or plan shall be kept at the colliery, *and a copy shall be furnished by the *superintendent or mine foreman to the inspector upon his arrival at the mine for the purpose of making a periodic inspection.*

Shall record changes on maps every two months.

Section 2. The said owner, operator or superintendent shall, as often as once in every [six] *two* months place, or cause to be placed, on the said inspector's map or plan of said coal mine or colliery, the plan of the extensions made in such coal mine or colliery during the preceding [six] *two* months. The said extensions shall be placed on the inspector's map and the map returned to the inspector within [two months] *one month* from the date of the last [survey] *inspection.*

Extensions shall be placed on inspector's maps within two months from last survey.

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

DAVID L. LAWRENCE

* "superintendent" in original.