

a city to extend water-pipes or supply water in territory, outside the boundaries of such cities, which territory is being supplied with water by a private company.

Section 3580. Creation of Water and Lighting Department.—Any city which now has *or which may hereafter have* the title to any water, gas, or electric light works, by conveyance to the same *or by operation of law* in its corporate name, or which may hereafter erect or purchase water, gas, or electric light works, under the provisions of this act, may create a department to be called the water and lighting department, and, for the organization and government of the same, the council may divide the city into three districts for the election of a board of commissioners, which districts shall be numbered one, two, and three; one commissioner to be chosen from each respective district, of which he shall be a resident at the time of his election, and no member of council or person holding any city office shall be eligible as a member of said board.

Section 3. All acts or parts of acts, general, local or special, inconsistent with the provisions of this act are hereby repealed.

Repealing section.

APPROVED—The 10th day of March, A. D. 1937.

GEORGE H. EARLE

No. 21

AN ACT

To protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners; imposing duties and liabilities upon operators; and imposing penalties.

Section 1. Be it enacted, &c., That any miner employed by an individual, firm or corporation for the purpose of mining bituminous coal, shall be entitled to receive from his employer, and failing to receive, then to collect by due process of law, at such rates as may have been agreed upon between the employer and the employe, full and exact wages accruing to him for the mining of all sizes of merchantable coal so mined by him, whether the same shall exist in the form of nut or lump coal. In the adjudication of such wages eighty pounds shall be deemed one bushel, and two thousand pounds net shall be deemed one ton of coal.

Miner entitled to receive from employer full and exact wages.

Section 2. At every bituminous coal mine, where coal is mined by measurement, all cars filled by miners and their laborers shall be uniform in capacity at each mine.

Coal cars to be uniform in capacity.

Cars to be
branded.

Violation.

No unbranded car shall enter the mine for a longer period than three months without being branded by the mine inspector of the district wherein the mine is located. Any owner or his agent violating the provisions of this section shall be subject to a fine of not less than one dollar (\$1.00) per car for each and every day such car, not in conformity with this act, is used. The mine inspector of the district, where the mine is located, on receiving notice from the checkmeasurer or any five miners working in the mine, that a car or cars are not properly branded or not uniform in capacity according to law are used in a mine, then inside of three days from the date of receiving said notice, it shall be his duty to enforce the provisions of this section under penalty of ten dollars (\$10.00) for each and every day he permits such car or cars to enter the mine.

Employes have
the right to hire
a checkweigh-
man or check-
measurer.

Rights and
duties of check-
weighman or
checkmeasurer.

To be paid by
employes.

Penalty for
refusal to permit
checkweighman
or checkmeas-
urer to perform
duties.

Checkweighman
or checkmeas-
urer not to be
considered a
trespasser.

Section 3. At every bituminous coal mine in this Commonwealth where coal is mined by weight or measure, the miners whose wages are paid on the basis of tonnage mined, whether weighed or measured, or a majority of such miners present at a meeting called for that purpose, shall have the right to employ a competent person as checkweighman or checkmeasurer, as the case may require, who shall be permitted at all times to be present at the weighing or measurement of coal, also have power to weigh or measure the same, and during the regular working hours to have the privilege to balance and examine the scales or measure the cars. All such balancing and examination of scales shall be done in such a way and at such time as in no way to interfere with the regular workings of the mine. Such checkweighman shall be paid such compensation as may be fixed by the miners attending such meeting, and shall be paid by the operator from deductions made from the wages of all miners employed at such mine whose wages are paid on the basis of tonnage, whether weighed or measured, an equal deduction being made from the compensation of such wages per ton or per measure. Any person, association, co-partnership or corporation who, as operator, shall refuse to permit any checkweighman or checkmeasurer, so selected, to weigh and measure coal as provided by this act, or shall fail or refuse to pay the wages of such checkweighman or checkmeasurer as required by this act, or shall interfere with, restrain or coerce employes in the exercise of the right to elect such checkweighman or checkmeasurer, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of five hundred dollars (\$500) per day for each day of such violation.

Section 4. The checkweighman or checkmeasurer shall not be considered a trespasser during working hours while attending to the interests of his employers, or while

posting daily and semi-monthly sheets as hereinafter provided. In no manner shall he be interfered with or intimidated by any person, agent, owner or miner. Any person violating these provisions shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty dollars (\$20.00) and not exceeding one hundred dollars (\$100), or imprisonment at the discretion of the court for failure to pay such fine and costs.

Section 5. It shall be a further duty of checkweighmen or checkmeasurers to credit each miner with all merchantable coal mined by him on a daily sheet, to be kept by him for that purpose, and on a semi-monthly sheet, he shall credit each miner with all merchantable coal mined for each period for which payment of wages is made, which daily and semi-monthly credit sheets shall be kept posted at or near the pit mouth of the mine by the checkweighman or checkmeasurer. Whenever the checkweighman or checkmeasurer is unable to credit any coal mined to the proper miner because the car on which the same is loaded is not properly marked or cannot be identified, it shall be his duty to keep account of such coal, and credit the same to the miner entitled thereto when claim therefor is lodged with him by such miner. If claim for any such unidentified coal is not made within thirty days after the same was mined, the checkweighman or checkmeasurer shall credit the same to his account for the payment of his wages. Payment for such coal shall be made by the operator as directed by the checkweighman or checkmeasurer, and where such wages are paid to the checkweighman or checkmeasurer, a corresponding reduction shall be made in the deductions from wages of the miners charged by this act with the payment of such wages.

Section 6. When differences arise between the checkweighman or checkmeasurer and the agent or owners of the mine as to the uniformity, capacity or correctness of scales or cars used, the same shall be referred to either the sealer of weights and measures of the county where the mine is located, or to the Department of Internal Affairs, whose duty it shall be to regulate the same at once.

Section 7. Should any weighman or weighmen agent, checkweighman or checkmeasurer, whether employed by operators or miners, knowingly or wilfully adopt or take more or less pounds for a bushel or ton than as provided for in the first section of this act, or wilfully neglect the balancing or examining of the scales or cars, or knowingly and wilfully weigh coal with an incorrect scale, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the county jail for three months.

Checkweighman and checkmeasurer to keep daily and semi-monthly sheets.

Where differences exist, county sealer of weights and measures or Department of Internal Affairs to regulate scales, etc.

Penalty for false weight.

Section 8. Nothing contained in this act shall be construed to prohibit or prevent the operator and the miners collectively at any mine from contracting for any method of measuring or weighing coal.

Act of June 1,
1883 (P. L. 52),
repealed.

Section 9. The act approved the first day of June, one thousand eight hundred and eighty-three (Pamphlet Laws, fifty-two), entitled "An act to protect miners in the bituminous coal regions of this Commonwealth," and the amendments thereto is hereby repealed.

When effective.

Section 10. This act shall become effective immediately upon final enactment.

APPROVED—The 10th day of March, A. D. 1937.

GEORGE H. EARLE

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No. 22

AN ACT

To repeal the act, approved the twenty-second day of June, one thousand eight hundred and ninety-seven (Pamphlet Laws, one hundred seventy-eight), entitled "An act taxing certain stocks of building and loan associations for State purposes," and prescribing the effect of such repeal.

Act of June 22,
1897 (P. L.
178), repealed.

Section 1. Be it enacted, &c., That the act, approved the twenty-second day of June, one thousand eight hundred and ninety-seven (Pamphlet Laws, one hundred seventy-eight), entitled "An act taxing certain stocks of building and loan associations for State purposes," is hereby repealed.

Repeal.

Not to relieve
association
from paying
taxes for tax
year 1936.

Section 2. The repeal of said act shall not relieve any building and loan association from the payment of any taxes payable under the provisions of such repealed law, for the tax year one thousand nine hundred and thirty-six, on reports filed during the year one thousand nine hundred and thirty-seven, nor for any previous tax year, nor prevent or stop the collection of such taxes, in accordance with existing laws in force at the date when this act becomes effective.

When effective.

Section 3. This act shall become effective immediately upon final enactment.

APPROVED—The 15th day of March, A. D. 1937.

GEORGE H. EARLE