

Section 4, act of May 1, 1953, P. L. 190 (Act No. 10), amended.

Section 1. Section 4 of the act, approved the first day of May, one thousand nine hundred fifty-three (Act No. 10), entitled "An act authorizing fiduciaries to receive compensation from trust principal before the end of their service and before the end of their trusts, and providing for allowances of compensation to fiduciaries out of trust income or trust principal or both, either during the continuance or at the end of their trusts," is hereby amended to read as follows:

Where compensation fixed by will, deed of trust, or other instrument.

Section 4. Where the compensation of a fiduciary is expressly prescribed either by provisions of a will or deed of trust or other instrument under which he is acting or by provisions of an agreement between him and the creator of the trust, nothing in this act shall change in any way the rights of any party in interest or of the fiduciary.

Exception of certain trusts created by cemetery lot owners.

The provisions of this act shall not apply to trusts created by cemetery lot owners as endowments for the endowed care and maintenance of burial or cemetery lots, where the corpus or principal sum involved is or does not exceed five thousand dollars (\$5000), in order that the corpus or principal sum for such endowments should remain undiminished.

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE

No. 326

AN ACT

To amend section 251 of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by authorizing electors to present petitions for submission to the electorate of a question of the formation of a union school district.

"Public School Code of 1949."

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

Section 251, act of March 10, 1949, P. L. 30, amended.

Section 1. Section 251 of the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," is hereby amended to read as follows:

Section 251. How Formed.—Any two or more school districts may form a union school district, in the following manner: Each of the districts desiring to form a

union school district shall present a petition to the county commissioners of the county where such district is located, signed by at least a majority of the members of the board of school directors of each of said districts, or any elector of either district may present a petition to the county commissioners, signed by at least twenty-five per centum (25%) of the registered electors of each district. The county commissioners shall take no action upon such petitions until they have been approved in writing by the Superintendent of Public Instruction. After such petitions have been approved and filed, it shall be the duty of the county commissioners to submit to the electors of the respective districts desiring to form a union school district, at the next general or municipal election, a question whether or not such school districts shall be united into a union school district. Such question shall be submitted in the form and manner provided by the general election laws of this Commonwealth for the submission of similar questions.

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE

No. 327

AN ACT

To further amend section 5 of the act, approved the thirty-first day of May, one thousand nine hundred forty-five (Pamphlet Laws 1198), entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method; regulating such mining; and providing penalties," by further regulating backfilling and operation reports.

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

Section 1. Section 5 of the act, approved the thirty-first day of May, one thousand nine hundred forty-five (Pamphlet Laws 1198), entitled "An act providing for the conservation and improvement of land affected in connection with the mining of bituminous coal by the open pit mining method; regulating such mining; and providing penalties," as amended by the act, approved the twenty-third day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1730), is hereby further amended to read as follows:

Section 5. *Operation Report and Backfilling.*—Within thirty (30) days after starting the removal of overburden at each operation for the removal of coal by open pit mining, the operator shall file an operation report with the Department of Mines on a form to be prescribed

"Bituminous Coal Open Pit Mining Conservation Act."

Section 5, act of May 31, 1945, P. L. 1198, as amended by act of May 23, 1949, P. L. 1730, further amended.