

of such officials a designated, qualified agent or agents of the employer, and at least two persons selected by the employes working in the mine, shall be formed to acquaint the workers with the shortcomings of the mine as indicated by the State mine inspector, and prescribing appropriate precautions and remedial action.

The mine superintendent shall execute, on behalf of the safety committee, a monthly report on the last work day of each calendar month with the Department of Mines and Mineral Industries, containing a statement that the committee met and a summary of the information that was furnished to the employes.

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APPROVED—The 12th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 524

AN ACT

Amending the act of May 9, 1889 (P. L. 154), entitled "An act to provide for the recovery of the bodies of workmen enclosed, buried or entombed in coal mines," requiring the Department of Mines and Mineral Industries to bring actions of mandamus for the recovery of bodies of workmen entombed in coal mines in certain cases and empowering the court to make finding and decree the death of such persons.

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

Section 1, act of
May 9, 1889,
P. L. 154,
amended.

Section 1. Section 1, act of May 9, 1889 (P. L. 154), entitled "An act to provide for the recovery of the bodies of workmen enclosed, buried or entombed in coal mines," is amended to read:

Duty of court.

Section 1. Be it enacted, &c., That whenever any workman or workmen shall heretofore have been, or shall hereafter be *enclosed, entombed or buried in any coal mine in this Commonwealth, it shall be the duty of the court, sitting in equity, in the county wherein such workman or workmen are enclosed, entombed or buried, upon the petition of the *Department of Mines and Mineral Industries brought whenever* any of the relatives of those enclosed, entombed or buried *so request in writing*, to make an order of court for the petitioner to take testimony, in order that the court may ascertain whether such workman or workmen, or the body or bodies of such workman or workmen, can be recovered or taken

* "Inclosed" in original.

out of said mine, *and further empowering the court to make a finding and decree that the person enclosed, entombed or buried is legally dead, together with such findings of fact including the date of death as is necessary or proper.* If, after full hearing, it shall appear to the court that such undertaking is feasible or practicable, said court may forthwith issue a peremptory mandamus to the owner or owners, lessee or lessees, operator or operators of such coal company, to forthwith proceed to work for and recover and take out the body or bodies of such workman or workmen, and said court shall have full authority to enforce such peremptory mandamus in the manner already provided for the enforcement of such process.

Mandamus to owner, etc., of mines, for recovery of bodies.

Section 2. No rule of civil procedure heretofore or hereafter promulgated by the Supreme Court shall have any effect upon the operation of this act.

Operation of act.

APPROVED—The 12th day of November, A. D. 1959.

DAVID L. LAWRENCE

No. 525

AN ACT

To provide for the assignment of counsel in criminal cases in certain counties and for the allowance of compensation in such cases.

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

Counties of 5th, 6th, 7th and 8th classes.

Section 1. In counties of the fifth, sixth, seventh and eighth classes, whenever any person being under indictment charged with a felony other than murder, or with a misdemeanor, shall make and file with the clerk of the court of quarter sessions an affidavit, setting forth that he or she is wholly destitute of means to employ counsel and prepare for his or her defense, the judge sitting in the court of oyer and terminer or the court of quarter sessions to whom such affidavit is presented may, in his discretion, assign to such person one attorney as counsel to represent such person, and, if the case is tried, to defend such person at the trial of the case, and when services are rendered by counsel in pursuance of such assignment, the judge sitting at the trial of the case may allow such counsel reasonable compensation

A person under indictment, except in murder cases, may file a pauper's affidavit and the court may assign counsel to defend and to be paid by the county.