

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.

for services rendered not exceeding one hundred dollars (\$100), which allowance of compensation shall be a charge upon the county in which the indictment in the action is found, to be paid by the county treasurer upon the certificate of the judge presiding at the trial of the case: Provided, That in order to be entitled to such compensation counsel so assigned must file with the judge sitting at the trial of the case an affidavit that he has not, directly or indirectly, received nor entered into a contract to receive any compensation for such services from any sources other than herein provided.

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

DAVID L. LAWRENCE

No. 526

AN ACT

Amending the act of March 10, 1949 (P. L. 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," further providing for the payments by the Commonwealth on account of courses for handicapped children.

Public School
Code of 1949.

Section 2509,
act of March 10,
1949, P. L. 30,
amended August
21, 1953, P. L.
1376, further
amended.

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

Section 1. Section 2509, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended August 21, 1953 (P. L. 1376), is amended to read:

Section 2509. Payments on Account of Courses for Handicapped Children.—*Annually, before the first day of July, every school district or joint board of school directors planning to conduct classes or schools for the handicapped shall submit, for prior review and approval to establish the amount on which reimbursement will be paid by the Department of Public Instruction, an estimate of the cost of classes or schools for handicapped children to be operated by the district or joint board during the ensuing school year, and for transportation of pupils to and from classes and schools for handicapped conducted by the district or joint board of school directors. Every school district, regardless of classification, shall be paid by the Commonwealth for the school term 1953-1954, the sum of twenty dollars (\$20) per pupil in average daily membership in a course or courses for mentally handicapped children, and the sum of thirty dollars (\$30) per pupil in average daily membership in a course or courses for physically handicapped children, approved by the Superintendent of Public Instruction. Beginning with the school term of 1954-1955 and for*