

seventeenth, eighteenth, nineteenth, twentieth, twenty-first, <sup>21</sup> sections of twenty-second, twenty-third, and twenty-fourth sections of Lorberry the "Act to incorporate the Lorberry creek rail-road com- creek compa- ny binding on-pany," be, and they are hereby re-enacted, as applicable to, this. and binding upon the company hereby incorporated.

SECT. 5. *And be it further enacted by the authority of* *foresaid,* That the president or secretary of the said company, shall, <sup>Annual re-</sup> annually on the first Monday of December, transmit to the <sup>port to Audi-</sup> Auditor General, a full statement, under oath, of the said <sup>tor General.</sup> company; and that the said company shall pay, to the com- monwealth, a tax of eight per centum on all dividends <sup>Tax on divi-</sup> which may exceed six per centum on the capital stock ac- <sup>dends.</sup> tually paid.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The second day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

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No. 176.

AN ACT

To incorporate the trustees of the township and borough of Wilkesbarre, the trustees of the township of Plymouth, and the trustees of the town- ship of Hanover, in the county of Luzerne.

WHEREAS, the original proprietors of the townships of <sup>Preamble.</sup> Wilkesbarre, Plymouth, and Hanover, of the seventeen townships, in the county of Luzerne, surveyed and laid out certain lots of land in said townships, and appropriated the same to the religious, literary and charitable uses of the said townships; and since the year one thousand eight hundred <sup>committees</sup> committees have annually been appointed by the resident, proprietors of the respective townships, to take care of and lease the said lots of land: *And whereas,* the commissioners appointed under the act offering compensation to Pennsylvania claimants, passed the fourth day of April, one thousand seven hundred and ninety-nine, and the supplements thereto, issued certificates to the commit- tees for the time being for the said lots in trust for the use of the proprietors of said townships, and the annual commit-

tees have from time to time sold and conveyed and let upon leases for a long term of years, great part of said lots, reserving rents for the use of the said proprietors; but inasmuch as the said committee were not vested with the legal titles, the sales and leases made by them are invalid: *And whereas*, the rents and debts due to the respective proprietors have increased to a considerable amount, and cannot be recovered unless an act of incorporation be granted to the said proprietors, they have therefore prayed, that the sales and leases made by the committees as aforesaid, may be confirmed, and that an act of incorporation may be granted them by the legislature: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all leases, sales and contracts heretofore made by the committees of the proprietors of the respective townships of Wilkesbarre, Plymouth and Hanover, of and concerning lands originally appropriated to the public use of the said townships, except as hereinafter mentioned, be and the same are hereby confirmed as fully and amply as though the said several committees had been vested with the legal title, at the time of making such leases, sales and contracts: *Provided*, That nothing in this act contained shall be construed to confirm any lease, sale or contract heretofore made by any committee or committees, of the township of Wilkesbarre, to or with any person or persons of or concerning a certain piece or parcel of land with the appurtenances, situate in said township of Wilkesbarre, at the mouth of Mill creek, and extending up the same on both sides of said creek, a certificate for which issued to George Haines, under the compromising laws, relating to the seventeen townships of Luzerne county: *And provided also*, That nothing in this act contained, shall in any way affect the proceedings, in or the final determination of the present suit, now pending against Christian Mensch, for the recovery of the purchase money of a tract of land, containing about thirty-four acres, formerly sold by the committee of the proprietors of the township of Hanover aforesaid, and afterwards purchased by said Christian Mensch.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of each of the certified townships of Wilkesbarre, Plymouth and Hanover, in the county of Luzerne, being owners of land within the same, and all who shall hereafter inhabit and own land within the said townships, including the borough of Wilkesbarre, are hereby authorised to meet on the first Saturday in May next, and on the last Saturday of April, in each and every year thereafter, at the place of holding the general elections in the re-

Confirmation of certain leases and sales.

Proviso. Certain case excepted.

2d proviso. This act not to affect suit against C. Mensch.

Owners of lands in certain townships to elect trustees.

spective townships, then and there, between the hours of twelve o'clock at noon, and six o'clock in the afternoon, to elect by ballot, a treasurer, a secretary and three persons as trustees for the borough and township of Wilkesbarre, three for the township of Hanover, and three for the township of Plymouth, respectively; two of the persons last in office in said corporations; or in case of their absence, two reputable citizens shall act as judges of said elections, who shall first be duly sworn or affirmed before a justice of the peace, to conduct the said election with impartiality and fidelity; and the persons having the highest number of votes for the respective offices, shall be declared duly elected, when the said treasurer, secretary and three trustees shall respectively constitute a body corporate and politic, in law and in fact, the first by the name and style of "the proprietors of the borough and township of Wilkesbarre;" the second by the name and style of "the proprietors of Hanover," and the third by the name and style of "the proprietors of Plymouth;" and by the said respective names shall have perpetual succession, and all the privileges and franchises of corporations; and shall be able and capable in law of purchasing, taking and holding to them and their successors, to the use of the proprietors of the respective townships, including the borough of Wilkesbarre, lands, tenements and hereditaments, real, personal and mixed, and of selling, transferring and conveying the same, in fee simple, or for any less estate, and of suing and being sued, pleading and being impleaded, and of doing any other act, matter or thing which a body corporate and politic may lawfully do: *Provided*, That neither of the said corporations shall not at any one time, hold property exceeding in value ten thousand dollars.

Manner of conducting election.

Trustees of respective townships incorporated. Titles.

Privileges and liabilities

Proviso. Value of property limited.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said respective treasurers, secretaries and trustees shall transact the business of the said corporations, and shall continue in office one year, or until others shall be elected or appointed; and notice of the time and place of holding the annual elections shall be given by each treasurer and secretary or either trustee, at least six days previous to the days fixed by the second section of this act, by advertisements set up in at least three of the most public places in the respective townships; and in case of the death, resignation or removal from the townships of either of said officers, said vacancy may be supplied by the persons then in office, until the next annual election, as prescribed in the second section of this act; and special meetings of the inhabitants of said townships and borough as aforesaid, may be held as often as occasion may require, upon notice given as aforesaid: *Provided*, That in case of the death, removal, resignation or refusal to act after being elected of all, or any of the members of either of the said corporations, the privileges,

Annual elections.

Vacancies how supplied.

Proviso.

powers and franchises hereby granted shall not lapse or become void; but whenever persons shall be elected as herein provided to fill said offices, all the said powers, privileges or franchises of said corporations shall revert in the persons so elected.

Duties of trustees.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all leases, conveyances or other instruments of writing, to be binding on said corporations, shall be signed and sealed by the trustees respectively, for the time, being or by a majority thereof; but the said trustees shall never appropriate to any purpose, nor expend more than the clear yearly income of lands and tenements, debts or other personal estate belonging to the said corporations, without a resolution of a majority of the proprietors of the said townships and borough, who may meet upon notice as aforesaid.

Property here after to vest in corporations.

SECT. 5. *And be it further enacted by the authority aforesaid,* That immediately after the passage of this act, the interests in all lands, tenements and hereditaments, real and personal, and in all debts, dues and demands of whatsoever name or nature, which shall belong to the proprietors of the said certified townships of Wilkesbarre, Plymouth and Hanover, or which may be vested in any committee or committees, or any person or persons, for the use of the said proprietors, shall vest in the said corporations respectively.

Present committees of respective townships vested with powers of trustees until election.

SECT. 6. *And be it further enacted by the authority aforesaid,* That until the election of officers of the respective corporations, Eleazer Blackman, Hezekiah Parsons and Anderson Dana, the present committees of the borough and township of Wilkesbarre; Freeman Thomas, Calvin Wadhams and Benjamin Reynolds, the present committees of the township of Plymouth; and Samuel Jameson, John Moyer and Joseph Huntington, the present committee of the township of Hanover, shall respectively be vested with the powers of trustees under this act, and any suit or suits, except the aforesaid suit against Christian Mensch, already commenced, by any committee or committees of either of said townships, may be prosecuted to a final determination; and all judgments already obtained may be recovered by and for the use and at the expense of the respective corporations.

FREDK. SMITH,

*Speaker of the House of Representatives.*

WM. G. HAWKINS,

*Speaker of the Senate.*

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.