

No. 189.

An Act

To authorize Isaac C. Worrell and Richard Stout, surviving trustees for the Free Will baptists of the borough of Frankford, to sell certain real estate, and to authorizing the church wardens of the Protestant Episcopal church of Morgantown, in the county of Berks, to sell and convey certain real estate, and for other purposes.

WHEREAS, William Singleton and Hannah H. his wife, Preamble.
by indenture, dated the first of January, Anno Domini, one thousand eight hundred and eighteen, did grant and convey unto certain persons in said deed named, in trust for the Free Will baptists of the borough of Frankford, in the county of Philadelphia, a certain lot of ground, containing sixty-seven perches, more or less, subject to the payment of an annual rent charge of twenty-one dollars; *And whereas*, the said congregation have erected on said lot a house of worship, at considerable expense, and have not now the means of paying therefor; Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Free Will General Assembly met, and it is hereby enacted by the authority of the same,* That Isaac C. Worrell and Richard Stout, surviving trustees for the Free Will baptists of the borough of Frankford, in the county of Philadelphia, be, and they are hereby authorized and empowered, upon reasonable notice of the time and place of sale, to sell and convey the said lot of ground, situated in said borough of Frankford, containing sixty-seven perches, more or less, with appurtenances thereunto belonging, and apply the proceeds of said sale toward the payment of the just debts against said congregation: *Provided*, Said trustees shall, before making any such sale as aforesaid, give bond, in the name of the commonwealth, with such security, and in such sum as the Orphans' court in and for said county of Philadelphia may approve, the condition of which shall be, that the said trustees do faithfully perform their duties, and account for all monies coming into their hands as such trustees. Trustees of Free Will baptists authorized to sell lot of ground in borough of Frankford, purposes. Proviso.

WHEREAS, the members of the Protestant Episcopal church of Morgantown, in the county of Berks, own a certain lot of ground, containing about one acre, bounded by lands of Benjamin Gekman, which said lot is detached from and use-
Protestant Episcopal church, Morgantown. Preamble.

SECTION 2. *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*

Church wardens empowered to sell certain lot of ground.

authority of the same, That the church wardens of the Protestant Episcopal church of Morgantown, in the said county of Berks, or a majority of them, are hereby authorized and empowered to sell said lot of ground for the best price that can be had therefor, and convey the same to the purchaser or purchasers thereof: *Provided,* That the said wardens shall vest the proceeds of the sale thereof in real estate, or other sufficient security, and apply the interest only to church purposes.

Proviso.

Title to a certain lot of ground vested in the county of Schuylkill.

SECTION 3. That the title to a certain piece or lot of ground, situate adjoining to the borough of Orwigsburg, bounded by lands of late Abraham Augstodt, of late, John Hammer and James Wier, and others, containing seven acres and forty three perches, more or less, conveyed by Abraham Augstodt to William Huntzinger, by deed, dated twenty second day of September, eighteen hundred and twenty-four, and assigned by said Huntzinger to John Seltzer, Abraham Augstodt, and John Reed, then commissioners of the said county of Schuylkill, which said deed and assignment, are recorded in the office for recording of deeds in said county, in deed book No. five, pages thirty-three and thirty-five, be, and is hereby vested in the county of Schuylkill; and that the commissioners of said county, or a majority of them, may lawfully sell and convey said lot or piece of ground, for the best price that can reasonably be obtained therefor, and by such conveyance, vest the title thereto in such purchaser.

Commissioners may sell, etc.

Commissioners of Potter co. empowered to execute deeds for certain lands sold by them.

SECTION 4. Whereas, the commissioners of the county of Potter, having sold two tracts of land in said county, the property of said county, one situated in the township of Harrison, which has been sold to Dennis Hall, the other in Eulalia township, sold to Jonathan Edgecomb, and there being no law to authorize the conveyance of said land, that the said commissioners be, and are hereby authorized and empowered, to make and execute to the purchasers of said lands good and sufficient deeds of conveyance, for all the right, title and interest which said county had in said lands.

Court of Common Pleas of Philadelphia co. authorized to direct trustees or assignees of T. Lyons, of said county, to convey certain lot to Geo. Miller.

SECTION 5. That the court of Common Pleas of Philadelphia county, is hereby authorized and empowered, upon the application of George Miller, of the district of Southwark, in the said county, for the purpose, to make an order and decree, directing and requiring the trustees or assignees of Thomas Lyons, of the county aforesaid, appointed on his being discharged under the insolvent laws of this commonwealth, or the trustee or assignee, or trustees or assignees of the said Thomas Lyons, that may hereafter be substituted and appointed in the place of the said trustees or assignees, or either of them, in case of their death, renunciation or dismissal, or of the death, renunciation or dismissal of either of them, to convey to the said George Miller, in fee simple, all that certain lot

or piece of ground situated on the west side of Second street, Situation and continued in the district of Southwark, and county of Philadelphia, at the distance of twenty feet southward from the south side of Wharton street, containing in front or breadth, on the said Second street, twenty feet, and in length or depth, westwardly, between parallel lines, one hundred feet, to an alley, twenty feet wide, opening into Wharton street, bounded northward by ground of John R. Fenwick, eastward Second street aforesaid, southward by ground formerly of John Lemer, and westwardly by the said alley, and to make and execute to the said George Miller, a good and sufficient deed of conveyance, in fee simple, for the same; and such trustee or assignee, or trustees or assignees, shall thereupon make, execute and deliver to the said George Miller, such deed and conveyance accordingly: *Provided however*, before the said court shall make the aforesaid order and decree, it shall be made appear that the said Thomas Lyons had, previously to his taking the benefit of the insolvent law, as aforesaid, sold, or contracted, or agreed to sell or convey the above described lot or piece of ground, to the said George Miller, and that he, the said Thomas Lyons, had received payment in consideration for the same, and for the purpose of ascertaining the facts of the case, the said court shall have power to appoint a commissioner to take the evidence, and report thereon to the said court.

SECTION 6. That all indictments or civil actions now depending, or hereafter to be preferred or instituted in any of the courts of civil or criminal jurisdiction within the city of Pittsburgh, or county of Allegheny, wherein the city of Pittsburgh may be interested, directly or indirectly, or wherein the validity of any regulation of a street or alley in said city, made either before or since its incorporation as a city, may be brought in question, although the said city of Pittsburgh may not by its corporate name, be a party to the record, shall be tried in the District court of Allegheny county, before a jury, from which all persons resident or owning real property in said city, shall be excluded.

SECTION 7. In all such cases, the certificate of the Mayor's court of the city of Pittsburgh, or of the president judge of the fifth judicial district, composed of the said county of Allegheny, that the indictment or civil cause proposed to be removed, is, in his opinion, within the meaning of the first section of this act, shall be conclusive evidence of the jurisdiction of the said District court in such case, and thereupon, the indictment, and all papers connected therewith, if it be a criminal case, or the original writ, declaration, and all papers connected therewith, if it be a civil case, shall be transmitted to said District court.

SECTION 8. If upon the trial of any indictment or court action under the authority of this act, questions of law shall

Parties may be raised by either party, the decision thereof by the Dis-
 appeal to Su- trict court, shall not be final, but either party may appeal
 preme court. from such decision, to the Supreme court. upon entering
 Recogniz'nce into recognizance into the District court, for the payment
 to be entered of all costs, in case the judgment of the Supreme court should
 be adverse to such appellant, and filing of record, at the
 same time, a specification of his reasons for entering the ap-
 peal; and the said District court shall have power to take the
 recognizances of the defendant or witnesses in any indict-
 ment which may be removed to said court. for the purpose of
 securing their attendance upon the trial thereof, and of
 passing sentence, when the verdict of the jury shall be
 against the defendant.

Executors of J. Earnest empowered to sell or let on ground rent a certain lot of ground in Philad'a.

SECTION 9. That Hester Earnest, and Elizabeth Earnest, and Margaretta Earnest, executors of the last will and testament of Jacob Earnest, late of the city of Philadelphia, deceased, and the survivors or survivor of them, and the heirs, executors and administrators of the survivor, are hereby authorized and empowered to sell and convey in fee simple, or otherwise, or to let on ground rent, all the estate, and right, title and interest of the said Jacob Earnest, of, in and to all that certain lot or piece of ground, situate on the south side of Walnut street, at the distance of fifty-three feet eastward from the east side of Schuylkill Eighth street, in the city of Philadelphia, containing in front or breadth on said Walnut street, seventeen feet eight inches, and extending that breadth southward, between parallel lines, one hundred and nine feet; that the said executors, and the survivors or survivor of them, and the heirs, executors and administrators of such survivor, shall have full power and authority to execute deeds to the purchaser or purchasers thereof: *Provided however*, That before the sale or the said letting on ground rent, shall be valid, and the conveyances of the said estate and interests made, the said executors, or the survivors and survivor of them, and the heirs, executors and administrators of such survivor, shall give such security for the faithful application of the proceeds thereof, according to the directions of the said will of the said Jacob Earnest, as the Orphan's court of the county of Philadelphia shall and may direct.

Deed to purchaser.

Proviso.

Shall give bond.

Administrators of J. C. Whitelock, authorized to sell a certain lot of land in Tioga co.

SECTION 10. That it shall be lawful for Hiram B. Roberts and Erastus Kellogg, administrators of the estate of Jonathan C. Whitelock, late of Jackson township, in the county of Tioga, deceased, to sell and dispose of all the right and title which the said Jonathan C. Whitelock, at the time of his decease, had to a certain lot of land in said township, being the same lot on which said Whitelock resided at the time of his decease, which sale shall be made at such time, and in such manner, as the Orphans' court of said county shall direct, on petition to them presented for that purpose,

and said court are hereby authorized to make such orders in relation to said sale, and the proceeds thereof, and to require such security from said administrators in the premises, as to them shall seem proper.

SECTION 11. The deed or deeds made by said administrators, to the purchaser or purchasers at such sale, shall be as good and available in law, and have the same force and effect, as if said sale had been made by said Orphans' court, under the existing laws of this commonwealth.

SECTION 12. That from and after the passage of this act, the authority of the commissioners named in the act entitled "An act appointing commissioners to open and construct a road in Lycoming county, from Carpenter's mill in Loyalsock, to Hogland's mill, in Elkland township, shall cease and determine, and their control over any monies appropriated by said act.

SECTION 13. The supervisors of Elkland, Loyalsock and Hepburn townships, are authorized to receive any monies appropriated by the said act, and not already applied by said commissioners, and remain in the county treasurer's hands, and such as the county treasurer may hereafter receive of the said appropriation; and said county treasurer is authorized and required to pay the said monies, on demand, to the supervisors of said townships.

SECTION 14. That James Dunlop and George A. Madeira and such persons as they may associate with them, are hereby declared to be a body corporate, by the name of the Franklin Edge-tool factory, and besides the usual incidents of a corporation, shall have power to hold, purchase, lease, transfer, mortgage and dispose of such lands as are necessary to the proper management of the said company, not exceeding ten acres.

SECTION 15. That the said company shall have authority to manufacture edge-tools, within the precincts of the county of Franklin, in this state, and to do all matters and things which may appertain to the proper management of said company, and to make such by-laws as may be necessary for the government thereof.

SECTION 16. That the capital stock of said company shall not exceed seventy thousand dollars, divided into shares of one hundred dollars each, and that as soon as two hundred and fifty shares thereof are subscribed, and the sum of ten dollars on each share is paid unto the said James Dunlop and George A. Madeira, for the uses and purposes of said corporation, and the same is certified by them to the Governor of this commonwealth, he is hereby authorized, by letters patent, under his hand and seal of this state, to create the subscribers, and such as may thereafter subscribe to the stock of said company, into one body politic and corporate,

Name & title. by the name and title of "The Franklin Edge-tool Factory;" that the instalments shall be paid up as agreed upon, in writing, by the said subscribers, or designated by the by-laws, and if after thirty days personal or public notice in the newspapers, of the time and place appointed for the payment of any instalment of the capital stock, any stockholder shall neglect to pay such instalment, at the place and time appointed, for thirty days after the time so appointed, the said instalments, and the money paid thereon, may be held forfeited by the company, and may be sold for the benefit thereof.

Directors. SECTION 17. That the board of directors, who are not to exceed five in number, and a majority of whom shall be a quorum, shall have the management and controul of said company, and shall declare dividends of the nett profits thereof, at such times as the by-laws shall direct, to elect a president, and such other officers as may be necessary; that said directors shall be elected at such time and place, and in such manner, as the by-laws may direct, and shall continue in office one year, and until others are elected in their places, and accept to discharge the duties of director; that no person can be a director that is not a stockholder.

Dividends. SECTION 18. That all stockholders may vote personally, or by proxy, and each stockholder shall be entitled to a vote for each share of stock which he may hold.

Directors must be stockholders. SECTION 19. That the stock of said company shall be assignable and transferrable, according to such rules as the board of directors may establish, but no stockholder indebted to the company, shall be permitted to make a transfer, or receive a dividend, until such debt is discharged, or otherwise arranged, to the satisfaction of the directors.

Manner of voting. SECTION 20. That the stockholders may meet at any time they may please, and examine into the management and situation of said company, and may, being a majority of the whole number, make, alter and amend the by-laws, or may designate a committee of the stockholders to do so, and the board of directors, when called on by said stockholders, shall make an exhibit of the affairs of the company, in writing.

Stock trans-ferable. SECTION 21. That the said subscribers or stockholders, either before the obtaining of the charter or afterwards, may make such contracts and arrangements with the said James Dunlop and George A. Madeira, or either of them, as may be expedient for the purchase or lease of the real estate and stock in trade of said James and George, or either of them, as may be deemed proper and necessary for the full prosecution of the object of said incorporation; or the said subscribers or stockholders, may contract with the said James and George, to enable the said James and George to subscribe the value of the whole, or part of their stock and lands, held by them, or either of them, necessary for the prosecution of said

Examination may be made by stockholders.

Directors to make statement of affairs.

Contracts of stockholders with J. Dunlop and Geo. Madeira.

works, as part of the capital stock of said company, but in such case, such subscription shall not be considered as forming any portion of the seventy shares, the subscription of which is necessary for the procuring of said charter.

SECTION 22. That the said company shall pay a tax of eight per cent. on all dividends of the profits thereof exceeding six per cent. into the treasury of the commonwealth.

SECTION 23. This act shall remain in force, until the first day of July, eighteen hundred and fifty, and no longer.

When charter expires.

NER MIDDLESWARTH,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The sixteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 190.

An Act

To authorize suit to be brought upon the official bond of William B. Mitchell, late superintendent.

SECTION 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 every person or persons who may have been aggrieved by the failure of William B. Mitchell, superintendent of the Columbia railroad, to pay him, or them, any sum or sums due by the commonwealth to such person, shall and hereby is authorized to bring suit upon the official bond of the commonwealth, of the said William B. Mitchell, and his sureties, in the same manner as suits are brought upon the bonds of administrators, in which the like proceedings shall be had, to secure to each person aggrieved, the recovery of his claim; and all the rights and interests of the commonwealth in the said bond, are hereby transferred to such person or persons, for the purpose aforesaid, and the amount of the said bond, should it be decided that the obligors are liable thereon, shall be insufficient to pay such persons, the same shall be divided among such persons,

Manner of bringing suit, and against whom.

Right of commonwealth transferred.