

## No. 35.

**An Act**

To incorporate the Monument Cemetery of Philadelphia, and for other purposes.

- 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 George W. Tryon, Jacob F. Hœckley, John A. Elkinton, Jacob Gilliams, Joseph Plankinton, Nathan R. Potts, Robert C. Martin, Joseph Sharp, John L. Wolf, Jonathan Coffee, George H. Burgin, Isaac Mayer, John Lindsay, Thomas F. Goodwin, and James Hunt, their associates, and all and every the persons who now are, or may hereafter become members of the association styled the Monument Cemetery of Philadelphia, and their successors, shall be, and they are hereby created and declared a body corporate, by the name and style of the Monument Cemetery of Philadelphia, and by that name shall have perpetual succession, and shall be capable in law to hold and dispose of property, to sue and be sued, plead and be impleaded in any court of law or elsewhere, to ordain, pass and put into execution all such by-laws, rules and regulations, not contrary to the constitution and laws of the United States and of this commonwealth, or to this act, as shall be necessary and convenient for carrying into effect the object of the association, and generally to do all and singular the matters and things which shall lawfully appertain to them to do for the improvement and ornament of the grounds, and the due management and regulation of the affairs thereof.
- SECTION 2.** The object for which this corporation is created is to establish a cemetery or burial place for deceased human bodies, beyond the thickly populated portion of the city & districts, being in a lot of ground situate on the west side of Broad street and south-east side of Turner's lane, in South Penn township, in the county of Philadelphia, containing about twenty acres, which is now laid out in small lots for the purposes of interment, and such other adjoining property as the association may hereafter purchase and appropriate for the same purpose, not exceeding in the whole thirty acres.
- SECTION 3.** The affairs of the association shall be under the control of fifteen managers, to be elected from among
- Corporators.**
- Name, style, and title.**
- Powers and privileges.**
- Object of the corporation.**
- Managers.**

and by the members, in such manner and at such times as the by-laws made in pursuance of this act shall specify, but no election for managers shall take place before the first Monday of May next ensuing, and the fifteen persons named in the first section of this act shall be managers until the first Monday of May aforesaid, and till others shall be elected.

SECTION 4. That so much of the street proposed to be laid out in the plan of the district which corresponds with Washington Avenue, on the plan of this cemetery, be, and the same is hereby vacated, and shall not be opened through the grounds of the cemetery, from Broad street to Schuylkill Seventh street, nor shall any roads, streets, lanes or alleys, after the passage of this act, be opened through the lands of the cemetery, except those laid out and corresponding with the survey of the district now being made.

Relative to vacating, opening and not opening certain str.

SECTION 5. That Robert Coburn, Joseph C. Burden, John White, James McCormack, John R. Walker, William A. Martin, J. B. Sutherland, and their associates, members of the association styled the Lafayette Cemetery Society of Philadelphia, and their successors, shall be, and are hereby created a body corporate, by the name and style of the Lafayette Cemetery, and shall be entitled to all the powers and privileges, and subject to all the restrictions contained in the preceding sections of this act, respecting the Monument Cemetery of Philadelphia, and said corporation shall be governed by ten directors, and shall locate the cemetery south of Cedar street, in the county of Philadelphia.

Corporators of the Lafayette Cemetery of Phil.

Name, style and title.

Powers and privileges.

SECTION 6. That the twenty-sixth section of an act passed the twenty-ninth day of January, one thousand eight hundred and eighteen, entitled An act for the establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes, be, and the same is hereby extended to all burial grounds and cemeteries in the city and county of Philadelphia.

Health office 29th sect. of act of 1818, relative to burying grounds and cemeteries.

SECTION 7. That Elizabeth street, in the city of Philadelphia, be, and the same is hereby extended in width from the north line thereof to Portland Lane, and from the south line thereof to Middle Alley: *Provided*, That the same shall not be actually extended until the damages which may be sustained by any owner or owners of any land, house, houses or other property over which the same may pass shall have been fully paid.

Wm. Penn Market Co. incorporated

SECTION 8. That John Moss, George H. Burgin, Henry M. Zollickoffer, Nathaniel Chauncey, George W. South, J. C. Montgomery, William Chambers, A. S. Vanhorn, Isaac

Corporators.

Myers, Charles Robb, William Wheelan, Blakely Sharpless, Lloyd Mifflin, James Redman, Thomas Clark, C. F. Hæckley, George L. Ashmead, William West, James Mitchell, Oliver Evans, George Griscom, George Wevill, Robert P. Phillips, William F. Pitfield, N. Hicks Graham, and such other persons as now are or hereafter may be associated with them, for the purposes hereinafter mentioned, shall be, and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the William Penn Market company, and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, and shall have full power and authority, to them and to their successors, to erect on the space between Middle Alley and Portland Lane, and Sixth and Seventh streets, in the city of Philadelphia, a market house or houses, the same in character, and for the same intentions and purposes, and to offer the same accommodations as the market houses now erected in the city and county of Philadelphia, and to build and construct cellars under the same, for the use of the occupiers of the said market houses, and for the use of those who might think proper to occupy the same as stores or shops, in the pursuit of any reputable trade or business; and the said company shall have power to erect on the said space, if a majority of the stockholders should think proper, a building, to contain at least four rooms, one of which might be used as a reading room, for the accommodation of farmers and others who might frequent and occupy the said market houses; another of which might be used for the collection of minerals, and other fossil bodies, which might be brought by farmers and others from different quarters of the country; another of which might be used as a general library and reading room, and another of which might be used as a place of meeting for the said company, and for other meetings; and also to take, hold and enjoy, to them and to their successors, all such personal property as may be necessary for the purposes in this act mentioned.

Powers.  
Seal.

SECTION 9. The said company shall have power to make and use a common seal, and the same alter and renew at pleasure, to ordain, establish and put in operation such by-laws, rules and regulations as shall appear most convenient for the government of said corporation, not being contrary to the constitution and laws of this state or of the United States, and to do all the matters and things which shall lawfully appertain to the well-being of the said corporation, and the managing and ordering its affairs; the capital stock of the said company shall not exceed four hundred thousand.

Capital  
stock.

dollars, divided into shares of fifty dollars each, that the said Banking &c. corporation shall not, directly or indirectly, engage in any prohibited banking, commercial, manufacturing or mining concern, nor be concerned in any business that is not necessarily connected with the beginning and carrying on the operations of the company.

SECTION 10. The affairs of the company shall be managed Affairs of the by thirteen directors, to be chosen by a majority of the stock-Comp., how holders, within sixty days after the passage of this bill, who managed. shall choose, by ballot, one of their number for president, and in case of the removal of the president or any of the directors, by death, resignation or any other cause, the vacancy may be supplied by the board of directors, for the remainder of the term only for which such president and director shall have been chosen; the directors shall be elected on the first Monday in January, in each and every year Annual elec- after the first election, by a majority of the votes of the stock- tion. holders, which directors shall serve for one year next ensuing their election, ten days notice being given in one or more newspapers, of the time and place at which such election will take place; the number of votes that each stock- Ratio of holder shall be entitled to, shall be one vote for each and votes. every share of the stock he, she or they may hold: *Provided*, *Provido*. That no stockholder, in his own name or by proxy, shall be entitled to have more than ten votes, whatever number of shares he may be entitled to, and that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting, and if after thirty days notice in the public papers as aforesaid, of the time and place by them appointed for the payment of any proportion or instalment of said capital stock, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time of such appointment, the amount or amounts previously paid shall be forfeited to the company, and said stock may be sold to any person or persons willing to purchase the same, for such price as can be obtained; the board of directors, of whom a majority shall form a quorum, shall have power to appoint a treasurer, Quorum. other officers and agents, and to employ workmen, allowing Treasurer. to them such compensation as they deem sufficient; they shall also have power to declare dividends semi-annually, of such Dividenda. a proportion of the profits of the company as they may deem

advisable, to be paid to the stockholders or their legal representatives.

**Of transfer.** SECTION 11. The stock of the company shall be assignable and transferable according to such rules as the board of directors may establish, and whenever the nett profits of the said corporation shall exceed twelve per cent. per annum on the capital stock paid in, then one half of the said surplus shall be paid into the state treasury for the purposes of education.

**Surplus.** SECTION 12. The said company shall be bound to keep the said market houses and cellars free from all impurity, and the same shall be also, in this respect, and in relation to weights and measures, and the soundness of provisions, under the control and supervision of the proper municipal authorities of the city of Philadelphia, and the said company shall have full power and authority to rent and hire out the stalls and other places of accommodation in said market houses, and the said cellars, and to receive the rent arising therefrom, and all other the income which may be derived from the same: *Provided*, That if at any time after the passage of this act, should the corporation of the city of Philadelphia desire it, and should the majority of the stockholders of the said company agree thereto, then the said corporation of the city of Philadelphia shall have power to take the said stock, upon paying to the said company the par value of the said stock, together with six per cent. interest on the same from its first investment, but if the dividends which may have been received on said stock shall be equal to or amount to more than the said six per cent. from the time of investment as aforesaid, then the six per cent. interest is not to be paid: *And provided also*, That the said corporation of the city of Philadelphia shall have the privilege, at any time after the expiration of twenty-five years from the passage of this act, whether the said company shall agree or not, to take the said stock upon the terms aforesaid.

**Duties and powers of company.** SECTION 13. The damages which may be sustained by any owner or owners of land, house, houses or other property, in consequence of the same being taken, used, and appropriated for the purposes aforesaid, shall be assessed in the same mode and manner, and under the same rules and regulations, as damages sustained in consequence of opening streets in the city of Philadelphia are now assessed, and the same when assessed, shall be paid out of the joint funds of the said company, and when the said damages shall have been fully paid as aforesaid, the said Elizabeth street, widened as aforesaid, shall be vacated, and the space of ground between Middle alley, and Portland lane and Sixth and

**Proviso.**

**2d Proviso.**

**Damages, how assessed**

Seventh streets, shall be vested, taken, held, and enjoyed by the said stockholders and their successors : *Provided*, Proviso. That the same shall always be kept as a market place for the accommodation of the public, and for other purposes as aforesaid : *And provided also*, That the corporation of the city of Philadelphia shall have power to take the said stock, in the manner and under the terms in this act hereinbefore mentioned. 2d Proviso.

SECTION 14. If the said company shall at any time here- Rights gran- after misuse or abuse any of the chartered privileges hereby ted may be granted, the legislature may at any time resume all and sin- resumed. gular the rights, liberties, privileges and franchises hereby granted to the said company.

SECTION 15. That Richard Peltz, James McCormack, Smithfield William G. Alexander, John R. Walker, John White, Market Co. Thomas W. Walter, William A. Martin, Robert T. Con- incorporated rad, Robert O'Neill, John Hemphill, Joseph B. Smith, and their associates, be, and they are hereby created a body po- Name and litic and corporate, in deed and in law, by the name and style. style of the Smithfield Market company; the said company may purchase and hold real estate to the amount of fifty Powers. thousand dollars, and may expend the sum of one hundred thousand dollars in erecting the necessary buildings and enclosures thereon; and for the purpose of raising the funds, regulating the market, and carrying into effect the objects of this section, the company may enact such regulations for Stock. the market, and may also create a stock, and divide the same into shares of fifty dollars each, and may make such by-laws and regulations as are not inconsistent with the constitution and laws of the United States and of this state: Proviso. *Provided*, That nothing herein contained shall authorize said company to engage in any banking or other business, Banking, &c. except that of establishing and keeping an agricultural prohibited. market.

SECTION 16. That the town of Schellsburg, in the county Schellsburg, of Bedford, shall be, and the same is hereby erected into a in Bedford borough, which shall be called Schellsburg, and shall be co. erected comprised within the following boundaries, to wit: begin- into a bo- ning at a post standing in Peter Schell's meadow, thence rough. south eighty-nine degrees west one hundred and seventy-five perches to a post in George Colvin's field, thence north one degree west fifty-nine perches to a post, thence north eighty-nine degrees east one hundred and seventy-five perches to a post, thence one degree east fifty-nine perches to the place of beginning, including the whole town of Schellsburg.

SECTION 17. It shall and may be lawful for all persons

Election of Burgess & Council. . . entitled to vote for members of the legislature, who have resided in the said borough three months previously to such election, to meet at the brick school house on the third Friday of March in every year, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one respectable citizen residing therein, who shall be styled the Burgess of the said borough, and five citizens residing therein, who shall be a Town Council, but previously to such election, the inhabitants present shall elect two respectable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted according to the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties and mal-practices as by the said law is imposed, and the said judges, inspector and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation before any justice of the peace of the said county, but if no justice of the peace be present at the election, one of the judges, after first having the oath or affirmation required by the aforesaid act administered to him by one of the other judges, shall administer the oaths or affirmations to the other judges, and to the inspector and clerks, to perform the same with fidelity, and after the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judges and inspector, whereupon duplicate returns thereof shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation, and in case of death, resignation, removal, or refusal to accept, or neglect or refusal to act after acceptance of any of the said officers, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept, directed to the high constable, or when there is no high constable, or when he refuses or neglects to act, then, and any of the members of the town council shall advertise and hold an election, in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements set up at four of the most public places in said borough.

Manner of conducting the election.

Vacancies.

**SECTION 18.** From and after the third Friday of March next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate, in law, by the name and style of the Burgess

and Council of Schellsburg, and shall have perpetual succe- Name and  
sion, and the said burgess and council aforesaid, and their style.  
successors, shall be capable in law to receive, hold and pos-  
sess goods and chattels, lands and tenements, rents, liberties,  
jurisdictions, franchises, hereditaments, to them and their Powers.  
successors, in fee simple or otherwise, not exceeding the  
yearly value of one thousand dollars, and also to give, grant,  
sell, let and assign the same lands, tenements, heredita-  
ments, rents, and by the same name and style aforesaid,  
they shall be capable in law, to sue and be sued, plead and  
be impleaded, in any of the courts of law in this common- Seal.  
wealth, in all manner of actions whatsoever, and to have  
and to use one common seal, the same from time to time, at  
their will, to change and alter.

SECTION 19. If any person an inhabitant of the said borough,  
duly qualified to elect as aforesaid, shall be elected to the Penalty for  
office of burgess, and having notice of his election, shall refusing to  
refuse to undertake and execute that office, every person so serve.  
refusing shall forfeit and pay a fine of ten dollars; and if  
any other person, duly qualified as aforesaid, shall be duly  
elected to any other office in said borough, enacted by this  
act, and having notice of his election, shall refuse to under-  
take and execute the duties of that office, every person so  
refusing shall forfeit and pay a fine of five dollars, which  
fines, forfeitures, and all others in pursuance of this act, or  
of the by-laws of the said council, shall be recoverable be-  
fore any justice of the peace of said county, for the use of Proviso.  
said corporation: *Provided*, That no person shall be com-  
pelled to serve more than one year in any term of three  
years, and that if any person or persons shall conceive him-  
self or themselves aggrieved by the judgment of any jus-  
tice of the peace, by virtue of this act, he or they may  
appeal to the next county court of Common Pleas, upon  
giving security, according to law, to prosecute his or their  
appeal with effect, who shall, on the petition of the party,  
take such order therein as to them shall appear just and rea-  
sonable, and the same shall be conclusive to all parties.

SECTION 20. The burgess shall take and subscribe an oath  
or affirmation, before one of the associate judges or justice  
of the peace for the county of Bedford, to support the con- Officers  
stitution of the United States and of this state, and an oath sworn.  
or affirmation well and truly to execute the office of the  
burgess of the borough of Schellsburg, and when so quali-  
fied, he shall administer an oath or affirmation to the council,  
high constable or town clerk, in manner and form aforesaid,  
before they shall enter on the duties of their respective  
offices, the certificates of which oaths and affirmations shall  
be filed among the records of the said corporation.

- Meeting of Council.** **SECTION 21.** The town council may meet by their own authority as occasion may require, or upon the summons of the burgess; they shall have power to enact by-laws, and to make such rules, regulations, and ordinances as shall be determined on by a majority of the whole council necessary to promote the peace, good order, and general welfare of the inhabitants of the said borough, and for the purpose of improving and keeping in order the streets, lanes, alleys, public squares, and common ground belonging to said town, within the said borough, for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew, as the occasion may require, and also to assess, levy, and collect a tax for said purposes, and also annually to appoint a town clerk, treasurer, street commissioner, overseer of the poor, and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of the said borough : *Provided*, That the said ordinances, rules and regulations, shall not be repugnant to the constitution or laws of the United States or of this commonwealth: *And provided also*, That no tax shall be laid by them in any one year, to exceed one half of a cent in the dollar on the valuation of taxable property taken from the last assessment, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of said borough by writing, under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly, and all taxes which may be assessed or laid in their said borough, shall, as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies.
- Powers.**
- Proviso.**
- 2d Proviso.**
- Duty of town clerk.** **SECTION 22.** It shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him, by virtue of this act or of the acts of the corporation, and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified.
- Treasurer.** **SECTION 23.** The treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successor; of all monies, books, and accounts appertaining thereto, upon demand being made by the burgess for that purpose.
- Accounts.** **SECTION 24.** The street commissioners, treasurers, constable, and overseer of the poor, as well as all other officers who may be appointed by the corporation or council, shall

render their accounts to the council once in every year for settlement, and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures.

SECTION 25. It shall be the duty of the high constable to give notice of the election, by setting up advertisements in three public places in the said borough, ten days previously thereto, and shall attend and see that the same is opened at the time, and in the manner directed by this act. Notice of election.

SECTION 26. It shall and may be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Schellsburg, at the same time and place where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may be hereafter passed concerning borough constables within this commonwealth, and the constable so appointed shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough, and the said constable of the borough of Schellsburg shall have, exercise and possess, within the said borough and township of Napier, all the powers and duties of the constables elected in the several townships in the said county of Bedford, and before he shall enter upon the duties of his office, shall take and subscribe the same oath as other constables, and shall, if not possessed of a freehold estate in his own right, clear of all incumbrances, of the value of one thousand dollars, enter into a bond to that amount, with at least one sufficient surety, to be approved of by the court of Quarter Sessions of said county, in the same manner as now, with reference to the several constables of the several counties within the commonwealth, and for the same uses and trusts to all intents and purposes, and the same penalties imposed for neglect or refusal to serve; the said court shall have the same power to appoint another person, as the court of Quarter Sessions in the several counties in this commonwealth have and possess, by law, to appoint a constable in any of the townships in the several counties of this commonwealth. Election of borough constable.

SECTION 27. The burgess, president of the council and treasurer, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, they Powers and duties.

Vacancies.

shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each taxable by a written notice, in the usual manner, at least ten days before the day of appeal, and where the said tax shall have been properly adjusted, it shall be the duty of the burghess, or in case of his absence or inability to act of the treasurer, and he is hereby authorized to issue his precept, directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of county rates and levies, by the laws of this commonwealth, and the amount so collected shall be paid into the treasury for the use of the corporation.

Absence of burghess the council to act.

SECTION 28. In the absence from the borough or inability of the burghess, it shall be the duty of the first named of the town council who may be present, to perform the duties which are enjoined on the burghess by this act, or which may be enjoined by the by-laws which may be passed in pursuance of the same.

Quorum.

SECTION 29. In any meeting of the burghess and town council, it shall require at least three to form a quorum to transact business.

Time, place, and manner of holding first election

SECTION 30. Benjamin Blymyer, and John Geerlinger, of said town, or either of them, shall publish and superintend the first election for borough officers, to be held on Friday the twenty-first day of April next after the passage of this act, at the place appointed by law for holding the annual elections for said borough, and they are hereby directed to give five days notice, by advertisement, as before directed in other cases of elections, of the time and place of holding the same.

Justices of the peace of the borough of Towanda, Bradford Co. to have jurisdiction therein.

SECTION 31. That no justice of the peace residing within the bounds of the borough of Towanda, in Bradford county, otherwise, by the laws of this commonwealth, qualified and authorized to hear and determine any action for the recovery of any debt or sums of money due to the said borough, or for the recovery of any damages accruing to said borough by reason of any injury done, committed, or suffered to any of the real or personal property of said borough, shall be disqualified to hear, judge, and determine the same, by reason of the interest he may have as a member of said borough or corporation, in the monies so to be recovered, but shall have as full, perfect and complete jurisdiction respecting the same as if he had no such interest in the same.

Residents may give testimony.

SECTION 32. No person, otherwise competent to give testimony in any action brought to recover money due or damages accruing to said borough, shall be excluded from giving

testimony in said action or actions, by reason that the money so to be recovered is or may be appropriated in aid of the funds of said borough or corporation, but every such person otherwise competent, shall be admitted to give testimony as fully as though he or she were not resident within the bounds, nor a partaker in the interests of said borough.

SECTION 33. That the line of the borough of Lewisburg, Borough line of Lewisburg Union Co. be and the same is hereby so altered as to exclude from the limits of the said borough the lot of land belonging to Jacob and Catharine Spittler, situated on the southern side of the said borough, containing about ten acres, and the said lot of land is hereby attached to East Buffaloe township, in the said county. altered.

SECTION 34. That the capital stock of the company here- Kirk's Pat- ent Anthracite-ware Manufacturing Comp'y incorporated  
 inafter named, shall not exceed one hundred thousand dol- ent Anthracite-ware Manufacturing Comp'y incorporated  
 lars, divided into one thousand shares of one hundred dollars each, and in order to receive subscriptions for the same, Frederick Brown, Frederick A. Rayhold, Townsend Sharp- less, Eli Kirk, George W. Carpenter, Samuel Lewis, Parsey Oakford, Henry M. Philips, James Ronaldson, James Camp- bell, George Fox, Franklin Vansant, Thomas D. Grover, Charles M. Stokes, Charles Hyneman, James Goodman, Jacob Shearer, John Thompson, jr., William J. Reed, James Eneu, jr. Dr. J. N. Marsellis, Robert Patterson, are hereby appointed commissioners, who, or a majority of them, shall, after twenty days previous notice, to be published in two daily newspapers of the city of Philadelphia, open a book in the said city, in which book the following form shall be entered and signed by the subscribers: We whose names are hereunto subscribed, do promise to pay to the president and managers of Kirk's Patent Anthracite-ware Manufacturing company of Philadelphia, the sum of one hundred dollars for every share of stock set opposite our respective names, including the five dollars now paid, the remainder to be paid in such proportions and at such times as the presi- dent and managers of said company may determine, of which they are to give reasonable notice; every person of lawful age shall be permitted to subscribe, in their own names or in the name of any other person who may authorize the same in writing, and the said book shall be kept open at least five hours a day for three days, unless the whole stock shall be sooner subscribed for, and if at the expiration of three days the whole number of shares shall not have been subscribed, the commissioners may adjourn from time to time, and one commissioner, or a substitute appointed by a majority of the commissioners, shall attend, and when the whole number of  
 Kirk's Pat- ent Anthracite-ware Manufacturing Comp'y incorporated  
 Commis'srs.  
 To open a book.  
 Form of sub- scription for stock.

Proviso.	shares shall have been subscribed the book shall be closed: <i>Provided nevertheless</i> , That when four hundred shares shall be subscribed, and the sum of five dollars paid on each share, the commissioners, or a majority of them, after the first three days, shall certify the same to the Governor, under oath or affirmation, together with the names of the subscribers, and
Letters patent.	the number of shares subscribed, whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers and those who may thereafter subscribe, into a body politic and corporate in deed and in law, by the name and style of Kirk's Patent Anthracite-ware Manufacturing company of Philadelphia.
Name and style.	
Election by ballot.	SECTION 35. The votes of the stockholders for managers shall be by ballot, and for the election of managers, and for the deciding of all questions in the general meeting of the stockholders, the ratio of votes shall be as follows, to wit: each stockholder shall have one vote for every share not exceeding ten shares, nor shall any stockholder vote at any election after the first, unless he or she shall have held the stock upon which he or she may wish to vote, at least two months previous to such election.
Ratio of votes.	
Organization.	SECTION 36. The commissioners, or a majority of them, shall, as soon as they conveniently can, after the said letters patent shall be obtained, give at least ten days notice in two daily newspapers of Philadelphia, mentioning the time and place for the subscribers to meet to organize the said company, by electing managers by a majority of the votes of the subscribers, in person or by proxy, at which election the commissioners, or any two of them, shall be judges; the subscribers shall elect one president and four managers, any three of whom may form a quorum to transact the business of the company, and shall continue to act until other officers shall be legally elected, for which purpose an election shall be held on the first Monday of January in every year, of which ten days notice shall be given in one or more newspapers; the election shall be conducted as follows, to wit: the managers for the time being shall appoint two of the stockholders to be judges of the said election, who shall receive the votes agreeably to this act, and shall at the close of the said election, count the votes and declare and certify who shall have been elected, and if it shall at any time happen that an election shall not be made at the stated time, it shall be lawful to hold the election at such time as the managers may appoint, and in case of the death or resignation of a president or manager, the vacancy may be filled by the board of managers until the next annual election.
Quorum.	
Annual election.	
How conducted.	

**SECTION 37.** The managers shall have a common seal, Seal. alterable at their pleasure, and shall fix the times and places of meeting of the board, and make and alter by-laws, rules, orders & regulations, not inconsistent with the constitution and laws of this state, and procure books, and appoint clerks and such agents, as may be deemed necessary, and every Certificate stockholder shall have a certificate under the seal of the of stock. corporation, made and attested, as may be directed by the by-laws, certifying the share or shares held by him or her, and the stock of the company shall be assignable, agreeably Of transfer. to the rules of the board of managers, but no stockholder indebted to the company, shall be permitted to make a transfer or receive a dividend until such debt is discharged or secured to the satisfaction of the board of managers.

**SECTION 38.** The said company shall be capable in law to Powers. sue and be sued, to plead and be impleaded, and shall have the right to purchase and hold in fee simple, such a quantity of land as may be necessary for all the buildings required for their manufactory, and also to purchase and procure every article and material, fixture and furniture which may be deemed necessary for the manufacturing and sale of useful and ornamental articles from anthracite coal, and also all machinery, apparatus, tools and utensils required for the said purpose, and to employ all such workmen, tradesmen and artists of every description that may be necessary to carry on the establishment; and further, in order to enable the company to commence immediate sales, they shall have the right to purchase and hold the patent right for manufacturing anthracite-ware, and also all the ware made under said patent, on hand, whether finished or unfinished; but the said company shall not hold any other real estate than hereinafore mentioned, unless the same be taken by them for or on account of debts due the said company.

**SECTION 39.** That annual meetings of the stockholders on Meetings. the days named in the by-laws shall be called, of which the board shall give reasonable notice; the board may also, on notice, call special meetings of the stockholders, at which meetings a majority of the stockholders present, provided they represent in all one hundred shares, may make, alter or repeal any law, rule, order or regulation, and perform any corporate act, which can only be changed by a majority of the votes of the stockholders themselves at a like meeting.

**SECTION 40.** Dividends of so much of the profits of the Dividends. company as shall appear advisable to the board, shall be declared at least twice in every year, and paid to the stockholders on demand, at any time after ten days therefrom, but they shall in no case exceed the nett profits actually

acquired, so that the capital stock shall never be impaired thereby; and if the board shall make any dividend which shall impair the capital stock, the president and managers consenting thereto shall be liable in their individual capacities to the company for the amount of the stock so divided, and each manager present shall be considered as consenting, unless he shall enter forthwith his protest on the minutes of the board, and give notice thereof to the stockholders.

Continuance  
of the corpo-  
ration.

SECTION 41. The said corporation shall continue for thirty years from the passage of this act: *Provided always*, That if the said company shall at any time misuse or abuse any of the privileges hereby granted, or if the corporation in any way shall hereafter become prejudicial to the commonwealth, the legislature reserve the right to assume all or any of the privileges herein granted to the said company, and revoke or repeal this act of incorporation.

Preamble re-  
lative to in-  
corporating  
the Philad'a  
Board of  
Trade.

WHEREAS, a want of unity of action on subjects relating to trade and commerce has hitherto been found to be a serious detriment to the interests of the community, and in view of this, it was deemed necessary sometime since to form an association in the city of Philadelphia called the Philadelphia Board of Trade, the general objects of which are to promote the trade of the city of Philadelphia, to give a proper direction to all commercial movements, to extend the facilities of transportation, and generally to take all proper measures for advancing the interests and promoting the commercial integrity of the mercantile community: *And whereas*, the association has hitherto frequently felt the necessity of an act of incorporation, by means of which their usefulness would be extended and the objects of their association be more fully attained; Therefore,

Name, style  
and title.

SECTION 42. That the persons who now constitute the association of the Philadelphia Board of Trade, and such persons as shall hereafter be admitted members of the same, shall be, and are hereby declared to be a body politic and corporate, in deed and in law, by the name, style and title of the Philadelphia Board of Trade; to have succession, to plead and be impleaded, sue and be sued, in all courts of record or elsewhere, and to be capable to take, hold and enjoy, lands, tenements, hereditaments, goods and chattels, and the same from time to time to sell, grant, demise, alien and dispose of, to have and to use a common seal, and the same to break, alter or renew at pleasure: *Provided*, That the clear income of the estate by them held shall at no time exceed the sum of ten thousand dollars per annum.

Powers.

SECTION 43. The officers of the said corporation shall be elected annually, at the stated meeting of the association in

January, to hold their offices for one year, and until others are elected, and shall consist of a president, two vice-presidents, a treasurer, a secretary, and twenty-one directors, and the following named persons, being the present officers of the association, shall continue in their respective stations until an election shall be made under this act: President, Thomas P. Cope; Vice-Presidents, Robert Toland, Robert Patterson; Treasurer, Thomas C. Rockhill; Secretary, Frederick Fraley; Directors, Caleb Cope, John S. Riddle, William R. Thompson, M. D. Lewis, Thomas P. Hoopes, Richard D. Wood, Alexander Read, Edward Roberts, Davis B. Stacy, Stephen Baldwin, Charles S. Boger, Joseph W. Ryers, Alexander McClurg, William Yardley, Jr., Henry Troth, William Buehler, William S. Smith, Joseph S. Riley, Joseph Hand, George N. Baker, Edmund Wilcox.

Names of  
the present  
officers.

SECTION 44. The said corporation, when convenient, shall have power and authority to make, ordain and establish such rules, by-laws and regulations relative to the concerns of the corporation as they may deem necessary and expedient, and that the rules, by-laws & ordinances now in force, not inconsistent with the constitution and laws of this state or the United States, shall be good and valid until altered, amended or abrogated by the corporation: *Provided*, That no rule, by-law or ordinance as aforesaid, shall be valid if inconsistent with the constitution of this state or of the United States: *And provided further*, That nothing in this act shall be construed as in any manner granting banking or manufacturing privileges.

By-laws and  
regulations.

Proviso.

SECTION 45. That from and after the passage of this act, the Chamber of Commerce of Philadelphia, and the Philadelphia Board of Trade, shall each be authorized and required to elect annually two additional assistant wardens, who shall be members of the board of Wardens for the Port of Philadelphia, and possess all the powers and perform all the duties imposed upon the members of said board by an act entitled "An act to establish a board of Wardens of the Port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned, passed March twenty-ninth, eighteen hundred and three, and the several supplements thereto; and the said board as thus enlarged, shall hereafter consist of one master warden, and six assistant wardens, appointed by the Governor, and four assistant wardens appointed as herein directed.

Phil. Cham-  
ber of Com-  
merce and  
Board of  
Trade, each  
to elect two  
assistant  
wardens, &c.

SECTION 46. That whenever any proceedings shall be had before the said board of Wardens for the Port of Philadelphia against any pilot, under the thirty-first section of the act entitled, "An act to establish a board of Wardens for the

Duty of war-  
dens relative  
to pilots and  
pilotages.

Commiss'rs  
to take  
testimony.

Appeal.

Port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," passed March twenty-ninth, eighteen hundred and three, it shall be the duty of the said board to apply to the court of Common Pleas of the city and county of Philadelphia, to appoint one commissioner learned in the law, whose duty it shall be to attend at the time and place of hearing the complaint to the said wardens, and reduce the testimony taken before them relating thereto to writing, which testimony shall be certified to the said court, under the hand and seal of the said commissioner, and if any pilot shall believe himself aggrieved by any decision of the said board in the premises, he shall have the right of an appeal to the said court of Common Pleas from the decision of the said board, and the said court shall decide upon the said appeal solely upon the testimony taken before the commissioner appointed by the said court, and in case any pilot shall have been fined or suspended by the said board upon any such complaint, he shall pay such fine, give up his license, and remain suspended according to the decision of the said board, until the said decision shall be reversed by the said court of Common Pleas, or the suspension expire by its own limitation, and all costs attending such appeal shall be paid, or secured to be paid by the appellant.

The guardian of Julia Rachel and Isabella Tod, minor children of John Tod, dec'd., authorized to reconvey to J. Roland, a certain tract of land.

SECTION 47. That Job Mann of the borough and county of Bedford, guardian of Julia, Rachel and Isabella Tod, minor children of John Tod, deceased, be, and hereby is authorized to reconvey to Jacob Roland of Southampton township, Bedford county, or such person as may purchase from him all the right, title, and interest of the above named minors, and that the said John Tod, deceased, had and held at and immediately before the time of his decease, by virtue of a sheriff's deed, of and in a certain tract, piece or parcel of land, containing one hundred acres, situate in the said township of Southampton and county of Bedford, upon the whole amount of the debt, interest, and costs of a judgment in the court of Common Pleas of Bedford county, in favor of the estate of said deceased against said Roland, being paid to the administrator of said estate.

Moravian School Association of Berks county incorporated.

SECTION 48. That all and every the persons who shall at the time of the passing of this act, or hereafter, be members of the association called the Moravian School Association of Berks county, shall be, and they are hereby created and declared to be one body politic and corporate, by the name, style and title of the "Moravian School Association," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere, and to purchase, receive,

have, hold, and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, good and chattels, of what nature, kind or quality soever, real, personal or mixed, and the same from time to time to seil, grant, devise, alien or dispose of: *Provided*, That the clear yearly value or income of the houses, lands or tenements, rents, annuities, or other hereditaments and real estate of the incorporation, shall not exceed the sum of five hundred dollars, and also to make and have a common seal, and the same to break, alter or renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said incorporation, not being contrary to this charter, or the constitution or laws of the United States or of this state, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs thereof; and the legislature reserves the right to alter, amend or annul this charter, at any time hereafter.

SECTION 49. That Jacob Reiff, John Deturh, and Solomon High, shall act as directors of the said association until the first Saturday of May next, at which time, and annually thereafter, the said corporation shall elect a president and such other officers as may be required in the constitution and by-laws of said association, for the proper government thereof.

SECTION 50. That the subscribers to the association called the Pittsburg Institute of Arts and Sciences, and all such persons as may be hereafter admitted as members of the same, shall be, and they are hereby declared to be a body politic and corporate, by the name and title of the "Pittsburg Institute of Arts and Sciences," to have perpetual succession, to sue and be sued, implead and be impleaded, in all courts of record or elsewhere, to use a common seal, and break, alter and renew the same at pleasure, and to take, hold and enjoy lands, tenements and hereditaments: *Provided*, That the yearly income of the real estates held by them, shall not exceed two thousand dollars.

SECTION 51. That the objects of the said corporation shall be, the promotion and encouragement of manufactures and the mechanical and useful arts, by the establishment of popular lectures upon the sciences connected therewith, by the formation of a cabinet of apparatus, models and minerals, and a library, by offering and awarding premiums on all objects deemed worthy of encouragement, by examining any new inventions submitted to them, and by such other measures as they may judge to be expedient.

The corporation to consist of manufacturers, mechanics & artisans

SECTION 52. That the members of the said corporation shall consist of manufacturers, mechanics, artizans and persons friendly to the mechanical arts; they shall pay such sum annually, or in gross, as shall be required by the by-laws of said corporation, for an annual or life subscription: *Provided*, That nothing herein contained shall be so construed as to prevent the said corporation from electing honorary or corresponding members, who may be exempted from such payments and other duties of membership, in such manner and to such extent as may be prescribed by the by-laws of the said corporation.

Of the officers of the corporation & their election.

SECTION 53. That the officers of the said corporation shall be a president, two vice presidents, a recording secretary, a corresponding secretary, a treasurer and twelve managers, who shall together, constitute a board of managers of the said corporation, and such other officers as the said corporation shall deem needful; two thirds of the said managers shall be manufacturers, artizans or mechanics; the said officers shall be elected at an annual meeting of the said corporation, to be held on the first Saturday of October, and if an election shall not take place on that day, the corporation shall not for that cause be dissolved, but an election shall be held as soon afterwards as may be, and until such election, the officers in place shall continue to act; public notice of all elections shall be given in such manner as may be prescribed in the by-laws of the said corporation, and the present officers of the said association are hereby constituted the officers of the corporation hereby created, and shall continue to hold their respective offices till otherwise elected under the provisions of this act: *Provided*, That the number of managers may be increased if found desirable.

Proviso.

Duties & rights of the members & powers and functions of the officers, to be regulated by the by-laws.

SECTION 54. That the duties and rights of the members of the said corporation, the powers and the functions of the officers thereof hereinbefore mentioned, and of such others as may hereafter be added, the mode of supplying vacancies in office, the amount of securities required of any officer for the faithful performance of his duties, the times of meeting of the said corporation and of the board of managers, the numbers which shall constitute a quorum at any such meetings, the mode of electing members, the terms of their admission, the causes which shall justify their suspension or expulsion from the corporation, and all other concerns of the said corporation, shall be regulated by the by-laws and ordinances of the said association now made, or of the corporation hereafter to be made, which the said corporation is hereby authorized to make, alter and revise, in any manner therein mentioned: *Provided*, That the said by-laws or ordinances

Proviso.

shall not be repugnant to or inconsistent with the constitution or laws of the United States or of this commonwealth.

SECTION 55. That the president and members of the Moyamensing Hose, and the Hope Fire Engine companies of the county of Philadelphia, and the successors of each of them, be, and they are hereby respectively incorporated, with all the rights, powers and privileges incident to either of the incorporated fire companies of the city and county of Philadelphia; the former shall be styled the Moyamensing Hose company, and the latter the Hope Fire Engine company.

LEWIS DEWART,  
Speaker of the House of Representatives,  
J. R. BURDEN,  
Speaker of the Senate.

APPROVED—the nineteenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

## No. 36.

### An Act

For the relief of the volunteer troop styled the Washington Cavalry, in Westmoreland county, and for other purposes.

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 it shall be the duty of the Adjutant General to furnish, upon the order of the Brigade Inspector of the first brigade, thirteenth division, Pennsylvania Militia, out of any of the arsenals of this commonwealth, when a sufficient number of unappropriated arms and accoutrements may be had, eighty stands of cavalry arms for the use of a volunteer troop attached to said brigade, styled the "Washington Cavalry, and Rostraver Cavalry," to be issued by said Brigade Inspector to the commissioned officers for the use of the members thereof: *Provided,* such cavalry arms shall be issued under such restrictions, provisions and security, as are now by law required.

SECTION 2. That from and after the passage of this act, the said Washington Cavalry, & Rostraver Cavalry, in the county of Westmoreland, shall be exempted from

Moyamensing's

Hose, and

Hope Fire

Engine com-

panies incor-

porated.