

district, and shall hold their general elections at the brick school house in said township.

SECTION 101. That the qualified electors of the township of Bethel, in the county of Delaware, shall hereafter hold their general elections at the house of John Way, in the township of Concord, in the said county.

SECTION 102. That all laws hereby altered or supplied, so far as they are inconsistent with this act, are hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The second day of July, eighteen hundred and thirty-nine.

— DAVID R. PORTER.

No. 198.

AN ACT

Relating to the claims of this commonwealth against the estate of John Nicholson and Peter Baynton.

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 the governor be, and he is hereby authorized and required to appoint a competent and disinterested person, learned in the law, whose duty it shall be to make a thorough investigation of the claims of the heirs of John Nicholson and Peter Baynton, deceased, to any lands within this commonwealth and of the extent of the lien of the commonwealth upon such lands, and also, into the title of all lands now held by the state, purchased as the property of the said Nicholson and Baynton, and to report the same to the governor, on or before the first day of November next. It shall be the duty of the said commissioners to properly arrange in convenient cases, all the papers which now are or hereafter may be in the custody of the officers of this commonwealth, relating to the said estates, and also, all papers so in custody, which have heretofore been, and still are supposed to be in the custody of the Governor to appoint a competent person to investigate the claims, &c. Duty of commissioners

ed to belong or relate to the property of the said estates, so that all persons may have ready access thereto, in the same manner as to the papers of the land office, and on request of any person to deliver copies under his hand and the seal of the land office of Pennsylvania, which papers so authenticated, shall be as good evidence in any court of this commonwealth as the original might or could be, and the fees charged for such copies shall be the same as those for similar papers in the land office.

Report of
commissioner
to embrace
certain mat-
ters

SECTION 2. That the said commissioner shall include in his report the following matters :

First,—A concise statement of the origin and extent of the claim of the commonwealth against the said estate, designating the amount originally due, the time at which the sum or sums severally became due, and how far the same have been from time to time paid or reduced by sales of lands heretofore made, under the authority of this commonwealth, and what credits, if any, in addition to those heretofore allowed, the said estate is entitled to on principles of equity, and the precise amount, so far as it can now be ascertained, of the principal and interest due on the first of April, eighteen hundred and thirty-nine.

Second,—A statement of the lands claimed by the estate of John Nicholson and Peter Baynton, designating the counties in which the same are situated, the names of the original warrantees, the dates of the warrants, the number of each tract, together with the quantity of land included in each tract at the time at which, and the mode and manner in which the title to the said lands was acquired by, or became vested in the said John Nicholson and Peter Baynton, and whether any of the said lands, and if any, which, were ever aliened by them or either of them, or their heirs, and if so, when, to whom, and for what consideration.

Third,—A statement of the lands heretofore purchased and still held by the state, as the property of Nicholson and Baynton, or either of them, the nature of the original title and of the present title of the commonwealth thereto, if settled, by whom, when, under what claim of title, the extent and value of the improvements, whether ever sold for taxes at any time, when and to whom, and the present value of the land.

Fourth,—The name of the person or persons in possession, or reputed to be the owners of each of the said tracts respectively, in whose name they are assessed and whether taxes have been regularly paid on said tracts, and if so, when, where and by whom.

Fifth,—Whether any, and if any, which of the said tracts are improved, when first seated, under what claim of title,

and the value of the improvements, if any, so far as he can ascertain the same.

Sixth,—Whether any of the said lands have been sold for taxes, and if sold, when, to whom, for what amount, whether possession has been taken under such sale, when, by whom, how long continued, and the extent of the improvements under such tax purchase.

Seventh,—What title the actual possessors or reputed owners of any of the said tracts have to any of them respectively, so far as the same may come to the knowledge of the said commissioner, and that he be directed to append to his report any communications that may be made to him by any persons claiming to be the rightful owners of the said lands or part thereof.

Eighth,—Whether among the lands heretofore reputed to be subject to the lien of this commonwealth, and recently advertised to be sold under the authority thereof, there be any against which all claim on the part of this commonwealth has been satisfied, extinguished or released or assigned to any person, by virtue of any instrument, or in consequence of any payments made to the commonwealth or otherwise, by whom such payments were made, to whom, under what authority, at what time and to what amount, and that he append to his report copies of such releases, assignments or agreements.

Ninth,—What are the outstanding claims of creditors (other than the state) upon the estates of the said Nicholson and Baynton, their amount, whether secured by bonds, mortgages, judgments or otherwise, and that the said commissioner append to his report any documents or communications that may be exhibited or made to him, by any persons claiming to be or to represent such creditors.

Tenth,—Whether any, and if any, which of the land sold under the authority of the commonwealth, and for which the whole consideration money had not been paid but was secured by bond or otherwise, has since been sold for taxes, where situated, when sold, by whom purchased, if seated under such title, by whom and how long, and whether the claims of the state to the same were in any manner protected or secured at the time of such sales.

Eleventh,—The said commissioner shall include in his report, or append to it, any evidences of title which may be exhibited to him or deposited with him on the part of the heirs of the said Nicholson and Baynton, and of payments alleged by them to have been made in reduction of the debt claimed to be due by the said estates.

Twelfth,—He shall further report whether any, and if any, what amounts are due to any former agent, commissioner or other officer, employed under the authority of this state, either

for expenses incurred or for services rendered in prosecuting the claims of the commonwealth against the said lands.

Thirteenth.—The said commissioner shall also include in the said report, any other matters connected with or arising out of the said investigation, which may appear to him pertinent to the subject or tending to make known the whole equitable situation of the titles and of the claims, so far as the same may be necessary or calculated to affect the interest of the commonwealth, of the heirs of the said Nicholson and Baynton, of the creditors of the said estates, and of the settlers upon or claimants to any of the lands affected thereby. And all persons having any such claims are hereby required to present the same to the said commissioner, on or before the first day of October next, or the same shall be perpetually barred.

Book and documents to be placed in the hands of commissioners

SECTION 3. The governor shall cause to be placed in the possession of the said commissioner all the books, documents, instruments of writing, accounts, vouchers, and other papers relating to the said lands, which remain in the custody or possession of any person or persons now or heretofore employed as agents, commissioners, or officers on the part of the commonwealth, for which purposes he shall be, and hereby is authorized and empowered to call for any and all papers pertaining to or belonging to the state, which shall be in the hands of any person, whatsoever, and the neglect or refusal to deliver the same after twenty days demand for the same, is hereby declared to be a misdemeanor for which such person may be prosecuted before any court of record within this commonwealth, and on conviction thereof, sentenced by the said court to fine and imprisonment, at the discretion of said court, not exceeding one thousand dollars fine and thirty days imprisonment.

Free access to paper in Land office &c.

SECTION 4. The said commissioner shall have free access (without the payment of any fees,) to any papers in the land office or in any other offices of the state, or in any of the counties of this commonwealth, but for every search not made by the commissioner in person, or by his clerk, or for any certificate, or other service rendered to him by any county officer, such officer shall be entitled to claim and receive the usual compensation provided by law, and the same shall be paid to him by the secretary of the commonwealth out of the contingent fund of his office. *Provided*, Such claim shall have been first certified as correct by the said commissioner and approved of by the governor.

Proviso

1500 copies of report to be printed 2 copies to be deposited in each of the

SECTION 5. As soon as the said report shall have been made to the governor, it shall be the duty of the secretary of the commonwealth to cause fifteen hundred copies of the same to be printed, and two copies thereof deposited, on or before the first day of December next, in the office of the

prothonotary of the court of common pleas, in every county in this commonwealth; and of the remaining copies, three hundred shall be transmitted by him to the speaker of the senate, and nine hundred to the speaker of the house of representatives, on the first day of the session of eighteen hundred and forty, and the remaining copies may be distributed by R. him at his discretion.

Prothonotarys offices in the state 300 to the Senate and 900 to the H.

SECTION 6. As soon as the said commissioner shall have made his report, the governor is hereby authorized and required to draw his warrant on the secretary of the commonwealth in favor of the said commissioner, for such amount as he shall judge a fair and equitable consideration for the services rendered. *Provided*, The same shall not exceed the sum of two thousand dollars per annum, and a further sum not exceeding five hundred dollars per annum for clerk hire, if the same be deemed necessary by the governor; and in order to meet the said payment and to defray the expenses of the said investigation, the sum of three thousand dollars is hereby appropriated to the contingent fund of the secretary of the commonwealth, in addition to the amounts heretofore appropriated to the same, to be paid out of any funds in the treasury not otherwise appropriated.

Pay of commissioners how paid

Proviso

Pay of clerk

Appropriation \$3000

SECTION 7. In the event of any vacancy in the said office arising out of the death, resignation, removal from the state, or other inability of the said commissioner, the governor may or may not appoint a successor as often as the same may be required, and apportion the compensation according to the services rendered by each of the said successive incumbents.

In case of vacancy success- or how ap- pointed

SECTION 8. Until otherwise specially provided for by the legislature, all proceedings in relation to the sale of the said lands shall be suspended, and all acts, or parts of acts, as are hereby altered or supplied, are hereby suspended. *Provided*, That nothing hereinbefore contained shall be construed as in any manner affecting, impairing or releasing the claims of the commonwealth against the said estate, or the lien heretofore provided by law to secure the same.

Proceedings sus-pended

Proviso

SECTION 9. That the agent appointed in pursuance of the provisions of this act, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, before some judge or justice of the peace, "to perform his duty with honesty and fidelity, according to the true intent and meaning of this act," which oath or affirmation shall be filed in the office of the secretary of the commonwealth.

Commissioner to be sworn

SECTION 10. That the act of general assembly of the sixteenth day of April, one thousand eight hundred and thirty-eight, entitled "An act to authorize the president judge of the district court of Allegheny county, to hold special courts in Fayette county in certain cases and for other purposes," be,

Modification of the act relative to special courts in Fayette co. passed 16th April 1838

and the same is hereby amended, by changing the year eighteen hundred and thirty-six, in the twenty-fifth section of the said act, to the year eighteen hundred and twenty-five.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The second day of July, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 199.

AN ACT

To incorporate the Huntingdon and Hollidaysburg Rail Road Company.

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 S. Miles Green, John S. Isett, David Stewart, (of Colerain) James Clarke, (of Birmingham) William Galbraith, John Bell, Graham McCalmant, Martin Bell, Elias W. Baker, John Porter, (of Alexandria) William Dorris, Thomas Fisher, Andrew P. Wilson, John G. Miles, Jacob Miller, Samuel Royer, Benjamin E. McMurtrie, and David Snare, of the county of Huntingdon, and John Lyon, Peter Shænberger, Anthony Shorb, John H. Shænberger, William M. Lyon, William Williams, James Coffey, Silas Moore, Alexander Knox, John S. Lowrey, David H. Moore, Henry Neff, Thomas Jackson, Adolphus Patterson, Henry L. Patterson, and Peter Hewitt, of the county of Allegheny, and each and every of them, be, and they are hereby appointed commissioner and commissioners, to do and perform the several things hereinafter mentioned, that is to say : they, or either of them, shall procure a sufficient number of suitable books, and in each of them to enter as follows, to wit : “ We and each of us, whose names are hereunto subscribed, do promise to pay to the president and managers of the Huntingdon and Hollidaysburg rail road company the sum of fifty dollars for every share of stock set opposite to our respective names, and by us respectively subscribed in such

Names of
commissioners

To procure
books

Form of sub-
scription