

[No. 109.]

## AN ACT

To authorize Isaac Davis and others, Trustees under the Will of John Pemberton, deceased, to sell and convey certain Real Estate, 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 Isaac Davis, John Paul, Israel W. Morris, William Evans, and Daniel B. Smith, trustees under the will of John Pemberton, deceased, dated April first, one thousand seven hundred and ninety-four, and duly proved and registered according to law, in the city of Philadelphia; and all trustees hereafter to be appointed in their place and stead, or in the place and stead of any of them, and the survivors and survivor of them, shall be and they hereby are authorized and empowered to exchange, grant, bargain and sell, in fee simple or for any other or lesser estate, and to let on ground rents redeemable or irredeemable, all or any part or parts of the lot or piece of ground formerly of the said John Pemberton, situate on the Wissahiccon road, then in the Northern Liberties, now in the district of Spring Garden, containing about three acres of pasture land, bounded north-easterly by the said road, south-easterly by Plumstead's lane, south-westerly by a run of water, dividing it from his, the said John Pemberton's other land, which said run of water was to be left for the accommodation of this lot and the lot adjoining on the southward, being the same premises which the said John Pemberton devised in trust for the use, benefit and service of Friends, members of the same religious society with himself, for the accommodation of the horses of such Friends who may attend the yearly meeting, the quarterly meeting of Philadelphia, the meeting for sufferings, or other religious service of said religious society, from what parts soever they may come, and all other lands, tenements, and hereditaments received in exchange for the premises or any part or parts thereof, upon such terms and conditions, under such rents and reservations, and for such price or prices as to the said trustees for the time being may seem expedient, and good and sufficient deeds, conveyances, and assurances, and other instruments requisite and necessary to vest in the purchaser or purchasers or other persons entitled thereto, good and valid titles for the same, free and discharged from every trust and confidence whatever, to make, seal, execute and deliver.*

Trustees under will of J. Pemberton, to sell real estate

Property described

SECTION 2. That the said trustees for the time being, and the survivors and survivor of them, shall have full power and authority to accept and receive all lands, tenements, and hereditaments taken and conveyed in exchange for the premises aforesaid or any part thereof; and all bonds, mortgages, securities, moneys, and other considerations given or paid for the same, or for any part or parts thereof, and sufficient receipts and discharges to the grantor or grantors, purchaser or purchasers thereof, to make, execute and deliver, so that neither they nor any of them shall be required to see to or be responsible for the application or misapplication of the same, or any portion thereof.

Trustees may receive conveyance

SECTION 3. That the said trustees for the time being, and the survivors and survivor of them, shall be and they hereby are authorized and required, to invest all the moneys and other valuable considerations received for the premises aforesaid or any part of them, in bonds and mortgages, ground rents and other real securities, or in the stocks or loans of the city or county of Philadelphia, or of the State of Pennsylvania, with full power to sell and convey, alter, invest, re-invest, and transfer the same at their or his discretion, as often as may be necessary or expedient.

Proceeds—how invested

SECTION 4. That the said trustees for the time being, and the survivors and survivor of them, shall stand, and be seized and possessed of all lands, tenements, and hereditaments, and all other real or personal estate, taken and received by them for and in consideration of the exchanges, grants, sales, leases, transfers and conveyances hereinbefore mentioned and referred to under and upon the same or like trusts, and for the same or like purposes as those in the will of the said John Pemberton, contained and set forth in relation to the large lot of ground hereinbefore described, and under and upon no other trusts, and for no other purposes whatever.

Extent of trust

SECTION 5. That the court of quarter sessions of the county of Philadelphia, shall have and exercise exclusive jurisdiction within the city and county of Philadelphia, of all business under the acts of assembly of this Commonwealth, relating to roads, highways and bridges, and all records and proceedings unfinished or undisposed of at the passage of this act, relating to roads, highways and bridges as aforesaid, in the court of general sessions for the city and county of Philadelphia, shall be certified and transferred to the said court of quarter sessions, and considered and disposed of as if they had originated therein.

Exclusive jurisdiction of court Quarter Sessions, Philadelphia in certain cases

SECTION 6. The constables of the respective wards, districts and townships in the city and county of Philadelphia, shall make return of the retailers of liquors and venders of foreign merchandize within their respective wards, districts and townships, to the court of quarter sessions for the county

Constable's return of retailer of liquors and venders of

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of Philadelphia, instead of to the court of general sessions for the city and county of Philadelphia; and the clerk of the said court of quarter sessions, shall thereupon make return to the deputy attorney general, or other prosecuting officer for the city and county of Philadelphia, of the retailers of liquors and venders of foreign merchandize who have not obtained license.

Preamble

Baltimore  
coal company

SECTION 7. WHEREAS, William Loriman and others, his associates, by an act of the general assembly of Maryland, entitled an act to incorporate "the Baltimore and Pittsburg coal company," passed the seventeenth day of February, one thousand eight hundred and twenty-nine, were incorporated and created a corporation and body politic, by the name, style and title of "the Baltimore and Pittsburg coal company," which said name, style and title was a supplement passed in December, one thousand eight hundred and thirty-two, by the said general assembly, changed into the name, style and title of "the Baltimore coal company," for the purpose of mining and transporting coal from the valley of Wyoming, in the county of Luzerne, in this Commonwealth. *And whereas*, the said Baltimore coal company are desirous of engaging extensively in mining and transporting coal in said valley of Wyoming, and for that purpose are desirous of purchasing and holding coal lands therein for the prosecution of their mining operations; therefore,

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That the said Baltimore coal company is hereby authorized and empowered to purchase and hold lands in the townships of Pittston, Wilkesbarre and Hanover, in the said county of Luzerne, for the purpose of mining and transporting coal, and the same or any part thereof, to sell or otherwise dispose of as the interests of the said company may require. *Provided*, That the said company shall not hold lands exceeding two thousand acres.

Liberties &  
franchises

SECTION 8. That the said Baltimore coal company, by the name and style of the Baltimore coal company, shall be capable, in law, to sue and be sued, to plead and be impleaded, to answer and be answered, in any court of law in this Commonwealth; and the said company by the name and style of the Baltimore coal company, is hereby authorized to carry on the business of mining, transporting and selling coal in the townships aforesaid, under the same regulations and restrictions imposed upon the Wyoming coal company, incorporated by an act of the general assembly of this Commonwealth, passed the sixteenth day of April, one thousand eight hundred and thirty-eight. *Provided*, That in any judicial proceeding instituted against the said Baltimore coal company, within the jurisdiction of this state, the service of any process upon any known agent of the said company, in the proper county, shall be as good and as available, in law, as if served upon the president of the said company. *And provided further*, That

Proviso

Service of  
process

Proviso

in case the said company shall, at any time, be without a known agent in the said county of Luzerne, notice of any process issued against the said company, in said county, published for three successive weeks in one newspaper published in the said county of Luzerne; the last publication of such notice being at least ten days before the return day of such process, shall be as good and as available in law as if the said process had been served upon the president of the said company.

SECTION 9. That the property of the said Baltimore coal company, whether real, personal or mixed, within this State, shall at all times be liable for its debts, and subject to taxation, in like manner as similar property held by an individual or by a corporation now is or may be. Property  
liable for debts

SECTION 10. That the legislature of this Commonwealth hereby reserve the power to alter, revoke or annul the privileges granted by this act, whenever, in their opinion, the enjoyment of the same may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators aforesaid. *Provided*, that no said company shall pay into the treasury of the Commonwealth a tax of eight per cent. upon all dividends of six per cent. per annum, or upwards, declared or paid by said company on the capital stock thereof, in the same manner that other taxes or dividends are now paid. Legislative  
reservation  
  
The Proviso

SECTION 11. That the ground rents to be reserved on the conveyance of any lot or lots by the trustees or trustee, for the time being, of that part of the real estate of Charles Wharton, deceased, which was devised by him, in trust, for his daughter, Hannah Hollingsworth, her husband and children, shall, in every such conveyance, be made redeemable or extinguishable on the payment, as therein mentioned, of a sum of money, not less than sixteen years and two thirds of a year's purchase of such annual ground rent within ten years from and after the date of the conveyance, and not afterwards or otherwise; and that so much of the second section of an act entitled "An act relating to the estates of Frederick Holeman and Charles Wharton," approved the twentieth of January, eighteen hundred and forty-one, as declares that the said annual rent or rents shall or may be redeemable or extinguishable within any number of years not less than ten years from and after the execution of any conveyance, be and the same is hereby repealed. Ground rents  
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SECTION 12. That the rector, church wardens and vestrymen of Saint James' Church, in the city of Philadelphia, be and they are hereby authorized to make sale of, in fee simple or on ground rent, redeemable or otherwise, and to make, execute and deliver to the purchaser or purchasers, all proper deeds and assurances in the law therefor, such portion or por- Rector, &c of  
St James  
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tions of their burial ground, situate in the open ground at the southeast corner of Fifth and Mulberry streets, in the city of Philadelphia, as they may deem advisable for the interest of said corporation, the purchaser or purchasers not to be responsible for the application of the purchase money. *Provided; however,* That the same shall be applied by the said rector, church wardens and vestrymen to the use of said Saint James' church.

SECTION 13. So much of any act as is altered or supplied by this act, is hereby repealed.

WM. A. CRABB,

*Speaker of the House of Representatives.*

JN. H. EWING,

*Speaker of the Senate.*

APPROVED—The twenty-third day of April, one thousand eight hundred and forty-one.

DAVID R. PORTER.

[No. 110.]

## A N A C T

To Incorporate the Muhlenburg Academy, at Union Centre, in the county of Luzerne.

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 there shall be and hereby is established, at Union Centre, in the county of Luzerne, an academy or public school, for the education of youth, in the English and other languages, and in the useful arts, sciences, and literature, by the name style and title of the Muhlenburg Academy, under the care and direction of nine trustees, who and their successors in office, shall be and are hereby declared to be, one body politic and corporate indeed and in law, by the name and style of the trustees of the Muhlenburg Academy, and by the same shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be capable in law and equity to take and hold to them and their successors for the use of said academy, lands, goods, chattels and moneys, of every kind whatsoever, by gift, grant, conveyance, devise, or bequest, from any person or persons whomsoever, capable of making the same, and the same from time to time, to sell, convey, or dispose of for the use of said academy, and to erect such buildings as may

Established

Trustees

Name

Powers and privileges