

ment, together with interest, at the rate of six per cent. per annum, from the time the same became due and payable.

SECTION 8. Dividends of so much of the profits of the investments and dividends business of said company, as shall appear advisable to Dividends. the managers, shall be declared at least once in every year, and paid to the stockholders, or their legal representatives, on application at any time after the expiration of ten days from the period of declaring the same; but the aggregate of the dividends shall in no case exceed the amount of the net profits actually made and acquired, after deducting all losses and expenses sustained or incurred by said company, so that the capital stock of said company shall never be impaired thereby; and if the managers shall declare and pay any dividend which shall impair the capital stock, such managers as shall have assented thereto, shall be jointly and severally liable for so much of the said stock as may be thus impaired and divided, and the same may be recovered by the said company, or by any person or persons injured or aggrieved by the making of such dividends, in an action for debt, as in other cases: *Pro-* Proviso. vided, That when the dividends of said company shall exceed ten per centum, twenty-five per centum of all such excess shall be deemed due and payable the state treasurer of this commonwealth.

SECTION 9. That the legislature reserves the right to modify, alter or annul the privileges hereby granted, if at any time it should be found that the exercise of them are injurious to the interests of this commonwealth: *Provided however,* That no injustice shall be done to the corporation. Reservation.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No 371.

AN ACT

To change the township lines of Lake and Lehman, in the county of Luzerne, and for other purposes; relative to carrying convicts to the penitentiary from Luzerne county, and the prothonotary, clerk of the court, supervisor of Lehman township, and the appointment of flour inspectors in said county; incorporating the Elmira and Jackson plank road company, and to certain state roads in Columbia, Schuylkill, Clinton and Union counties.

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*

Part of Lake township, Luzerne county, annexed to the township of Lehman. all those certain tracts of land in the warranted names of William Nichols and Samuel Caldwell, and all that portion of certain tracts of lands in the warranted names of George Fell and John Mease, lying west of the township line of Lake and Dallas, in the township of Lake, in the county of Luzerne, be and the same are hereby annexed to the township of Lehman, in said county: *Provided however*, That nothing herein contained shall be so construed as to interfere with the collection of any tax which may have been levied or assessed upon the same in the township of Lake, prior to the passage of this act.

Fourth section of a certain act relative to the borough of Wilkesbarre, repealed. SECTION 2. That the fourth section of the act, entitled "A further supplement to an act, entitled 'An Act to erect the town plot of Wilkesbarre and its vicinity, in the county of Luzerne, into a borough,' passed the seventeenth day of March, Anno Domini one thousand eight hundred and six," which said further supplement was approved the twenty-eighth day of March, Anno Domini one thousand eight hundred and forty-six, be and the same is hereby repealed; and the owners of any property which by this section is placed without the boundaries of said borough, are hereby released from the payment of any borough taxes that may have been assessed upon all such property for the year one thousand eight hundred and forty-nine.

Luzerne county court, to fix per diem allowance for conveying convicts, &c. SECTION 3. That the court of common pleas of Luzerne county, be and the same is hereby authorized to fix and establish a per diem allowance to the sheriffs of said county, for conveying convicts to the state penitentiary, which shall not exceed in any case five dollars exclusive of the actual and necessary expenses attending the conveying of said convicts.

Luzerne county, prothonotary. Clerk of courts. SECTION 4. That hereafter the qualified electors of the county of Luzerne, when necessary by law for that purpose, shall elect one person to fill the offices of prothonotary of the court of common pleas, and one person to fill the office of the clerk of the courts of general quarter sessions, oyer and terminer, and orphans' court; and any law to the contrary is hereby repealed.

Lehman township, Luzerne county, supervisors may collect tax, &c. SECTION 5. That the supervisors of Lehman township, in the county of Luzerne, are hereby authorized to collect one-fourth of the road taxes that may hereafter be assessed in said township, in money.

Wilkesbarre borough, inspector of flour. Carbondale township, Luzerne county, inspector of flour. Fees. SECTION 6. That after the passage of this act, it shall be the duty of the governor to appoint two suitable persons as inspectors of wheat flour; one for the borough of Wilkesbarre, and one for the township of Carbondale, in the county of Luzerne, whose duty it shall be to inspect, at the request of the purchasers, all wheat flour offered for sale in the said borough and township, and who shall receive as their fees the sum of three cents per barrel; and so much of the act, entitled "An Act relating to inspectors, passed the fifteenth day of April, one thousand eight hundred and thirty-five," as requires the inspection of wheat flour in the borough of Pottsville, Schuylkill county, be and the same is extended to the said borough of Wilkesbarre, and township of Carbondale.

Berwick and Pottsville state road extended. SECTION 7. That the state road authorized to be reviewed and laid out by the act passed twenty-eighth March, A. D. one thousand eight hundred and forty-eight, entitled "An Act providing for laying out a state road from Berwick, in Columbia county, to Pottsville, in Schuylkill county, be and the same is hereby extended from the borough of Berwick, in the county of Columbia, to a point intersecting the Berwick and Towanda turnpike, near the foot of the North mountain, in the county of Luzerne; and the commissioners appointed by said act, are hereby authorized to view and lay out said road, agreeably to the provisions of said act.

SECTION 8. That Stephen L. Parmeter, Wright Dunham, Hector Miller, John Stowell and James Miller, of Jackson township, Tioga county, Pennsylvania, and Thomas Maxwell and John Arnot, of Elmira, New York, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company, by the name, style and title of "The Elmira and Jackson plank road company." Style. with power to construct a plank road from Yeoman's steam saw mill, in the township of Jackson, to the New York state line, in the direction of Elmira, by the nearest and best route, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine. Location. Subject to the provisions and restrictions of a certain act.

SECTION 9. That the capital stock of said company shall consist of two hundred and fifty shares, at fifty dollars per share: *Provided*, That said company may, from time to time, by a vote of the stockholders had at a meeting called for the purpose, increase their capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act. Capital stock. Proviso.

SECTION 10. That if said company shall not commence the construction of their road within three years after the passage of this act, and complete the same within seven years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of road.

SECTION 11. That it shall be the duty of the supervisors of the several townships through which the state road leading from Berwick, in Columbia county, to Pottsville, in Schuylkill county, shall pass, upon notice given, to proceed at once and make and open the said road as other roads are made; and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine of not less than fifty dollars, to be collected as other fines are collected, and the said fines shall be appropriated for the use of the said road; and the justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties of this act, who shall be paid out of the funds set apart for the laying out and repairing of roads in the township in which said person so refusing may reside. Penalty on supervisors for neglecting to open the state road from Berwick to Pottsville.

SECTION 12. That the state road laid out from the lands of George Brumgart and Samuel Sigimund, in Lemar township, to a point at Bald Eagle creek, in Allison township, Clinton county, is hereby vacated and made void. Certain state road in Clinton county, vacated.

SECTION 13. That all that certain road existing by prescription, and running through the wood land of Andrew M'Clenahan, in White Deer township, Union county, beginning near the house of Mrs. Nancy Bauck, and leading to a point near the house of said M'Clenahan, on the great road from Lewisburg to White Deer mills, be and the same is hereby vacated, to all intents and purposes, as if the same had never existed by prescription or otherwise. Certain state road in Union county, vacated.

SECTION 14. That whenever Alexander Wilson and Mary, his wife, of Monongahela City, shall, by good and sufficient assurance in the law, convey unto Sarah Ann M'Farland Sparks, the one equal undivided half part of a certain lot of ground situate in Pitt township, Allegheny county, in the state of Pennsylvania, being lot number twelve in the plan of lots laid out by Alexander Wilson, esquire, near the Seventh ward of the city of Pittsburg, and containing one acre and five perches and sixty-seven and four-tenths feet, it shall and may be lawful for John Herron, guardian of Sarah Ann M'Farland Sparks, to convey to Mary C. Wilson, and her heirs, in fee simple, the equal undivided half John Herron, guardian of Sarah Ann M'Farland Sparks, authorized to convey part of a lot of ground upon conditions.

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part of a certain lot of ground situate in Monongahela City, Washington county, Pennsylvania, containing sixty feet in breadth on Main street, and extending in depth two hundred feet to Cherry alley, being the lot now owned in common by the said Sarah Ann M'Farland Sparks, and the said Mary C. Wilson, wife of Alexander Wilson.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 372.

A N A C T

Erecting the village of East Birmingham into a borough; fixing the place of holding elections in Plum, Patton and Indiana townships, Allegheny county; relative to licensing hawkers and pedlers; and fixing the standard weight of oats.

Boundaries.

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 territory situate on the south side of the Monongahela river, and east of the borough of Birmingham, in the county of Allegheny, included within the following boundaries, to wit: beginning at low water mark on the Monongahela river at the point where the easterly line of the borough of Birmingham strikes said river, being at or near the centre of Harmony street; thence running along the line of said borough south four degrees thirty-six and a half minutes east one hundred sixty perches, more or less, to a point which is distant sixty feet southerly from the southerly line of Josephine street; thence running parallel with Josephine street south eighty-five degrees twenty-four minutes east one hundred and seventy perches twenty-three and a fourth links, and south seventy degrees east sixty-two perches and six links; thence north twenty degrees east one hundred and twenty-five perches, more or less, to low water mark on said river; and thence down the said river along the several courses thereof at low water mark to the line of Birmingham, the place of beginning, is hereby erected into a borough, which shall be called and styled the borough of East Birmingham.

Elections.

SECTION 2. That the inhabitants of said borough, entitled to vote for members of the general assembly, having resided therein one calendar month immediately preceding the election, shall, on the third Friday of May next, and annually thereafter on the same day, which now is or hereafter may be fixed by law for the election of constable and other township officers within this commonwealth, meet at the railroad office of Oliver H. Ormsby, situate on or near Ormsby street, in said borough,