

LAWS

OF THE

2717-55

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

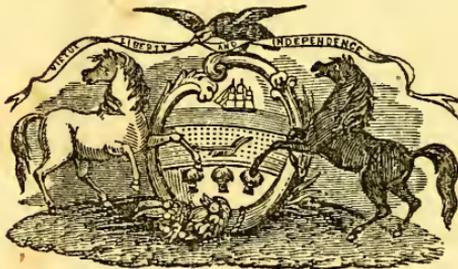
PASSED AT THE

SESSION OF 1852,

IN THE

SEVENTY-SIXTH YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



PUBLISHED BY AUTHORITY.

HARRISBURG :

THEO. FENN & CO., PRINTERS TO THE STATE.

1852.

and appurtenances as heretofore, without liability to account and surrender as provided for in the said eighteenth section of the aforesaid act, passed on the thirteenth day of March, one thousand eight hundred and twenty-three.

JOHN S. RHEY,
Speaker of the House of Representatives.

JOHN H. WALKER,
Speaker of the Senate.

APPROVED.—The thirtieth day of April, A. D., one thousand eight hundred and fifty-two.

WM. BIGLER.

No. 332.

AN ACT

To incorporate the Bloomsburg and Columbus turnpike and plank road company; relating to elections and election districts in certain counties; to levying a tax in and renting public common by town council of Wilkesbarre; extending and confirming certain powers to the Hydraulic company, of Berwick; to the real estate of Nathan Beach, deceased; to the borough of Towanda; to the Chester and Media plank road company; legitimating the children of Jacob Geisinger; to the sale of a lot of ground by the trustees of the First New Jerusalem Society of Philadelphia; to the sale of certain real estate of the Millerstown school; to the female association of Philadelphia; to the real estate of John Angue, Junior, deceased; to the destruction of game in Bedford, Chester, and Delaware counties; and to the Perrysville and Zeligople plank 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*

Commissioners

James N. Jones, John M. Buckalew, John Boston, Thomas Pealer, John Koons, Henry Bittenbender, Alfred Howell, Peter Ent, Elijah G. Ricketts, Noah S. Prentiss, Matthew M'Dowell, Reuben W. Weaver, Leonard B. Rupert, William Neal, William Sloan, and Emanuel Lazarus, or any seven of them, be, and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company, by the name, style, and title of "The Bloomsburg and Columbus Plank Road Company," with power to construct a turnpike or plank road, or a road part turnpike and part plank road, from the borough of Bloomsburg, in the county of Columbia, to Columbus, in Luzerne county, with power to extend the same to some suitable point in Fairmount township, Luzerne county, to be decided upon by a majority of the stockholders, 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, and the several supplements thereto, so far as they are not inconsistent with this act.

Style.

Location,

Subject to provisions of certain act.

Capital stock. Proviso.

SECTION 2. That the capital stock of said company shall consist of twelve hundred shares of twenty-five dollars per share: *Provided, That*

said company may from time to time by a vote of the stockholders, by a meeting called for that purpose, increase their capital stock so much as in their opinion may be deemed necessary to complete the road and carry out the true intent and meaning of this act.

SECTION 3. That if the said company shall not commence the construction of their road within four years after the passage of this act, and complete the same within eight years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company. Commencement and completion of said road.

SECTION 4. That the general and township elections for Montour township, Columbia county, shall hereafter be held at the house of John Richards, now occupied by Jesse Hollinshead, in said township. Montour tp., Columbia co.

SECTION 5. That the following territory, being part of Kingston township, in Luzerne county, shall hereafter be erected into a separate election district, to be called North Kingston election district, to wit: beginning at a corner common to the two townships of Plymouth and Jackson, in line of the township of Kingston; thence north-easterly along the ridge of the mountain to the township line of the township of Exeter; thence north-westerly to the north corner of Kingston township; thence south-westerly to the next corner of said Kingston township; and thence south-easterly to the place of beginning; and the general and township election shall hereafter be held at the Harris school house, and Jacob Rice is hereby appointed judge, and Christian Atherwolt and Charles Harris inspectors, to hold the next general and township election, and in conducting said elections they shall be governed by the election laws of this Commonwealth. North Kingston, Luzerne co.

SECTION 6. That it shall be lawful for the town council of the borough of Wilkesbarre, to levy a tax, to be paid in cash, for the purpose of paying off the debts due from the said borough, to an amount not exceeding three thousand dollars; the said tax to be levied in addition to the usual and ordinary tax for the purpose of defraying the annual expenses of the said borough. Tax in the borough of Wilkesbarre.

SECTION 7. That it shall be lawful for the said town council of the said borough to rent, for the best price they can obtain for the same, the public common between Union and North streets. Public common, to be rented.

SECTION 8. That all and every the rights and privileges heretofore granted to the Hydraulic company, of the borough of Berwick, to use, enjoy, and appropriate the use of the water-power at the waste-weir at the lock at Berwick (having been, and being abandoned and unused by the said Hydraulic company), are hereby granted and extended to and confirmed in the Berwick company, and to be exercised and enjoyed by the said water company, subject, nevertheless, to the right of resumption by the Commonwealth of the said water-power whenever the public interests may require: *Provided, however,* That the said water company shall not have the right to sell, dispose of, or appropriate any more of said water-power than may be necessary in the propulsion of the machinery of said company in supplying the town of Berwick with water, but the same shall remain to and be held by the Commonwealth. Rights and privileges of Hydraulic water company, extended to Berwick co.

SECTION 9. That hereafter in all elections held by said Berwick water company, each stockholder shall be entitled to one vote for each share of stock bona fide held by him not exceeding fifteen, but no stockholder shall be entitled to more than fifteen votes at any such election, and that so much of the third section of the act incorporating said company as is inconsistent with this section is hereby repealed. Proviso. Who shall vote at election of officers.

SECTION 10. That the qualified electors of the county of Clinton, at the next general election, at the time of electing representatives, shall elect one person to fill the offices of prothonotary, clerk of the Court of County officers, Clinton co.

General Quarter Sessions, of the Peace, and Oyer and Terminer, and one person to fill the offices of register of wills, recorder of deeds, and clerk of the Orphans' Court, and any law heretofore passed uniting the above offices in one person, be, and the same is hereby repealed.

Andrew. T. M'Clintock authorized to sell certain real estate.

SECTION 11. That Andrew T. M'Clintock, surviving administrator of Nathan Beach, late of the county of Luzerne, deceased, be, and hereby is authorized and empowered to sell at public or private sale in such manner, and at such price or prices as he may deem expedient and most conducive to the interest of said estate, all the right, title, and interest of the said Nathan Beach in and to any lands in the counties of Luzerne, Erie, and Crawford, in this Commonwealth, owned or claimed by the said Nathan Beach in his life time, such sale or sales to vest all the title therein belonging to the said Nathan Beach at the time of his decease, as fully and effectually as if the same were regularly sold under order of the Orphans' Court, and the said administrator is hereby authorized to make title by deed to the purchaser or purchasers: *Provided*, That before the execution and delivery of any deed or deeds the said administrator shall make report of sales to the Orphans' Court of the county in which the lands sold are situate, and upon the said administrator giving bond in such sum and with such surety or sureties as the Orphans' Court shall direct, conditioned for the proper application of the purchase money; the said court, if fully satisfied of the propriety of said sale or sales, shall forthwith endorse an order of absolute confirmation of the same.

Proviso.

Administrator to appoint an attorney or attorneys.

SECTION 12. That the said administrator of the said Nathan Beach, deceased, be, and hereby is authorized and empowered to appoint, in writing, an attorney, or attorneys to negotiate for the sale of, and to sell in the name of the said administrator, any lands of the said Nathan Beach, in the said counties of Erie or Crawford, at public or private sale in such manner and at such price or prices as the said administrator may authorize, and the same to convey by deed to the purchaser or purchasers, in the name of the said administrator, as fully and effectually as if the said sales were made by the said administrator, under and in accordance with the provisions of the aforesaid section of this act: *Provided*, That before the execution and delivery of any deed or deeds, the said attorney or attorneys shall, in the name of the said administrator, make report of sales to the Orphans' Court of the county in which the lands sold are situate, and upon the said administrator giving bond in such sum and with such surety or sureties as the president judge of the Orphans' Court of Luzerne county shall certify under his hand to be sufficient, conditioned for the proper application of the purchase money; the said court of the county wherein the lands sold are situate, shall forthwith endorse an order of absolute confirmation of the same.

Provisions of certain act regulating boroughs extended to Towanda, Bradford co.

SECTION 13. That the provisions of the act entitled "An Act regulating boroughs," approved April third, eighteen hundred and fifty-one, be, and the same are hereby extended to the borough of Towanda, in Bradford county, so far as the same are applicable to or not inconsistent with the act incorporating said borough, and the several supplements thereto.

Construction of certain act relative to Crookville plank road.

SECTION 14. That the provisions of the act entitled "An Act incorporating the Chester, and Media, and Crookville plank road company," approved the seventh day of April, eighteen hundred and fifty-two, shall be so construed as to require said company to construct the said plank road only from the Borough of Chester to Sneath's corner and Shoemaker'sville.

SECTION 15. That Jacob Geisinger, Junior, and John Geisinger, children of Jacob Geisinger, of Northampton county, shall be entitled to all the rights and privileges of children born in lawful wedlock, and shall as such be capable to inherit and transmit any real estate or other property of said Jacob Geisinger. Jacob Geisinger and John Geisinger legitimated.

SECTION 16. That Codington Cheesbrough, William Macferran, and Benjamin F. Glenn, and the survivors and survivor of them, trustees for the First New Jerusalem society of Philadelphia, be, and they are hereby authorized and empowered to sell and convey a certain lot or piece of ground, situate on the south side of Sergeant street, at the distance of one hundred and twenty feet eastward from Tenth street, in the city of Philadelphia, and particularly described in a certain indenture, dated the twenty-eighth day of July, Anno Domini, one thousand eight hundred and fifty-one (executed by Thomas A. Morgan, surviving executor of the last will and testament of George W. Morgan, deceased, and recorded at Philadelphia, in deed book G. W. C., number one hundred and eleven, page four hundred and nineteen), either for cash or reserving thereout a yearly ground rent, payable half-yearly to said trustees, and the survivors or the survivor of them, and the heirs and assigns of such survivor in trust for the uses and purposes mentioned in the said indenture, and such yearly ground rent so reserved to sell, and assign, or release, and extinguish as they, the said trustees, may deem advisable, and without any liability on the part of the purchaser to see to the application of the purchase money or any part thereof. Trustees of First New Jerusalem society of Philadelphia to sell certain real estate.

SECTION 17. That the township of Norriton, in the county of Montgomery, be, and the same is hereby erected into a separate election district, and that the qualified voters thereof shall hold their general and township elections in said township, for the present year, at the Jeffersonville hotel, now occupied by Rynard Marsh, and for future years shall hold their general and township elections alternately year about, at the public house now occupied by Jesse Fisher, at Penn Square, and at the Jeffersonville hotel, the place aforesaid, and the elections for the year, Anno Domini, eighteen hundred and fifty-three, under this arrangement, shall be held at the said public house now occupied by the said Jesse Fisher. Norriton tp., Montgomery co., erected into a separate election district.

SECTION 18. That the trustees of the Milestown school are hereby authorized to sell the whole or any part of the real estate of the said corporation, and invest or appropriate the proceeds for the purposes expressed in their charter of incorporation. Trustees of Milestown school to sell real estate.

SECTION 19. That so much of the second section of the act entitled "An Act to incorporate the trustees of the Female Association of Philadelphia," approved the nineteenth day of December, one thousand eight hundred and ten, which provides that the clear yearly value of the real and personal estate of the said corporation, and the interest of their money, shall not exceed the sum of five hundred pounds, be, and the same is hereby repealed, and that the said corporation be, and is hereby authorized to hold real and personal estate of the clear yearly value of five thousand dollars. Repeal.

SECTION 20. That Samuel W. Thachara, and John M. Ford, of the city of Philadelphia, executors of the last will and testament of John Angue, Junior, late of the said city, merchant, deceased, and trustees under the said will of the respective estates of Margaretta L. Wilson and Charlotte E. Angue, the two daughters of the said testator, and the survivor of the said executors and trustees, and any successors or successor in the said trusts are hereby authorized and empowered to convert into money any bonds, mortgages, stock, or other personal securities of any kind belonging to their respective trusts estates, and to Real estate of John Angue, Jr.

use, employ, and invest the same, together with any other money belonging to the capital of the said respective trust estates which may come to their hands in taking down and removing the brick messuage and buildings now upon the lot of ground with its appurtenances devised to them in trust by the said will where the said testator resided at the date of his aforesaid will as therein set forth, situate on the west side of Delaware Third street, between High and Mulberry streets in the said city of Philadelphia, together with the appurtenances, and in erecting and building thereon such good and substantial store or stores or other buildings as will in their judgment suitably improve the said lot of ground with its appurtenances, and will tend to render the same more valuable and more productive of income to the parties beneficially interested in the respective trust estates aforesaid, and neither the said trustees nor either of them, nor any successors or successor in the said respective trusts shall at any time be held liable or responsible for any loss which may occur by reason of any act done in good faith under and by virtue of the powers and authorities hereinbefore given.

Repeal.

SECTION 21. That the first section of an act entitled "An act to encourage the destruction of crows in the county of Bedford," passed April twenty-sixth, eighteen hundred and fifty, be, and the same is hereby repealed, and that hereafter no person shall shoot, or otherwise destroy in the said county any partridge between the first day of January, and the first day of September in any year, under a penalty of five dollars for each and every offence.

Partridges.

Construction of certain act relative to killing birds.

SECTION 22. That the second and third sections of an act entitled "An act to prevent the destruction of small insectivorous birds, &c.," approved the twenty-sixth day of February, A. D., one thousand eight hundred and forty-one, shall be so construed as to prohibit the killing of squirrels during the month of June, and to allow the killing of woodcock in the month of July in the county of Chester and Delaware.

Perrysville and Zeligonle plank road co. to borrow money.

SECTION 23. That the Perrysville and Zeligonle plank road company be, and it is hereby authorized to borrow money in amount not exceeding twenty-five thousand dollars for the construction of the said plank road at any rate of interest not exceeding six per cent. per annum, and upon the said loan, or any part thereof in amounts not less than one hundred dollars being taken by any person or persons, the president of the company is authorized to issue bonds in amounts of not less than one hundred dollars for said loan, or so much as may be taken thereof, payable at any time before the first day of January, Anno Domini, one thousand eight hundred and sixty, said bonds shall be made negotiable if desired, and shall be signed by the president of the said plank road company, and the interest thereon shall be paid semi-annually by the treasurer on demand, and the treasurer is authorized to pay the principal at the maturity of the bonds.

JOHN S. RHEY,
Speaker of the House of Representatives.

JOHN H. WALKER,
Speaker of the Senate.

APPROVED—The third day of May, A. D., one thousand eight hundred and fifty-two.

WM. BIGLER.