

Subdivisions of land mortgaged to commonwealth may be freed by payment of proportion due.

Proviso.

Remainder sufficient to satisfy lien.

the claim of the commonwealth thereupon, and where any tract or tracts so mortgaged, or where a lien has been or may be endorsed on such patent, have become or shall hereafter become legally vested in different persons, any one or more of such persons or their legal representatives, holding a portion or portions in his, her or their own separate right or the rights of those whom they represent, may apply to the Secretary of the Land Office, who shall ascertain the proportion of the amount due on said part, and upon payment of the amount so ascertained, to endorse the same on the mortgage or lien, and upon the deed or conveyance for the land aforesaid, which shall discharge the lien of the commonwealth upon the land contained in the said deed: *Provided*, That the applicant aforesaid, his agent or attorney, shall make it appear to the satisfaction of the Secretary of the Land Office, by the certificate of the deputy surveyor of the county, on the return of a survey made by him of such part of a tract, that the remaining part of the land held under a mortgage or lien to the commonwealth aforesaid, is sufficient to pay the remainder due on said mortgage or lien, and also shall produce a certificate of the commissioners of the proper county, of the assessed value of the said land: *And provided further*, That the exoneration of the part or parts aforesaid, shall in no manner affect the lien of the commonwealth upon the remaining part.

FRED'K SMITH, *Speaker*  
of the House of Representatives.

DANIEL STURGEON,  
*Speaker of the Senate.*

APPROVED—the tenth day of March, A. D. one thousand eight hundred and thirty.

GEO. WOLF.

No. 47.

AN ACT

Authorising the stockholders to close the concerns of the Westmoreland Bank of Pennsylvania.

SECT. 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 lawful for the stockholders of the Westmoreland bank of Pennsylvania to meet at the court house

in the borough of Greensburgh, on the second Monday of May next, and on the second Monday of May yearly thereafter, and elect five persons as trustees, for the purpose of settling the affairs of said bank, in the same manner as the stockholders are now by law authorised to elect directors for the same.

Stockholders to elect five trustees.

SECT. 2. *And be it further enacted by the authority aforesaid;* That James Brady, Alexander Story and Morrison Underwood, of Westmoreland county, are hereby appointed judges to superintend said election, whose duty it shall be to give at least four weeks public notice by advertisements published in two newspapers in said county, of the time and place of holding said election: *Provided*, That before said judges shall proceed to discharge their duty as such, they shall take and subscribe an oath or affirmation before a justice of the peace of said county, for the faithful and impartial discharge of their duty, which said oath or affirmation shall be filed in the office of the prothonotary of said county.

Judges named to conduct election

Proviso.

Under oath, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when the said election shall have been closed, it shall be the duty of the said judges to count the votes given for each person, and the five persons having the highest number of votes shall be trustees for the purpose of settling the affairs of said bank, for the term of one year from the day of such election, or until other trustees shall be elected by virtue of this act, and that a return of said election, signed by the said judges, shall be filed in the office of the prothonotary of said county.

Duties of judges.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the court of common pleas of said county, at the term immediately preceding the second Monday of May, eighteen hundred and thirty-one, and at the same term yearly thereafter, to appoint three qualified citizens of said county, as judges, to superintend the election of trustees for the ensuing year, for the purposes herein expressed, which said judges shall be vested with the same powers and authorities, and subject to the same duties as the judges herein named.

Court to appoint annually such judges.

SECT. 5. *And be it further enacted by the authority aforesaid,* That before the said trustees or their successors shall enter upon the discharge of their duty, they shall take and subscribe an oath or affirmation, before a justice of the peace of said county, for the faithful discharge of their duty, which said oath or affirmation shall be filed in the office of the prothonotary of said county.

Oaths of trustees.

SECT. 6. *And be it further enacted by the authority aforesaid,* That for the purpose of closing the affairs of said bank, the said trustees are hereby authorised and empowered

Their powers, privileges, &c.

to make contracts, and enforce the performance thereof, which it may be deemed necessary to enter into for the purpose of settling and collecting the debts thereof, and to hold such lands, tenements and hereditaments as have been or shall hereafter be bona fide mortgaged or conveyed to said bank, in satisfaction of debts previously contracted, or purchased at sales, upon judgments obtained for such debts, to lease, sell and convey the property, real and personal, at any time belonging thereto, and to do and perform every legal act and thing necessary in adjusting and closing the concerns of said bank, and to be invested with the same powers as if they had been duly elected, agreeably to the provisions of the first section of the act of the first of April, eighteen hundred and twenty-two, entitled "An act for closing the concerns of banking institutions," or under the provisions of the second section of the last aforesaid act, when the charter has been declared forfeited: *Provided*, That nothing herein contained shall be deemed or construed as giving the said institution power or authority to discount or make any new loans.

Proviso.

Provision for filling vacancies.

SECT. 7. *And be it further enacted by the authority aforesaid*, That when any trustee elected by virtue of this act, shall refuse to act, or shall die, resign or remove out of the county where said bank is located, in every such case the court of common pleas of Westmoreland county, shall, at the term next ensuing, upon application from any of the stockholders, supply such vacancy, to serve until the next annual election.

Further duties, liabilities, &c. of trustees.

SECT. 8. *And be it further enacted by the authority aforesaid*, That when said trustees, or a majority of them, shall have accepted of said trust, the corporation thus vested in trustees, shall be liable to be sued in its corporate name, before any court or magistrate in this commonwealth having competent jurisdiction, by summons, which may be served on any of the trustees, elected as aforesaid, who shall have accepted of the trust; which suits shall be conducted in all respects (after the service of the summons) agreeably to the provisions of the act relative to suits brought by or against corporations, passed the twenty-second day of March, one thousand eight hundred and seventeen, and in the serving of any execution, issued against the Westmoreland bank of Pennsylvania, the trustees who shall have accepted of the said trust, or any of them, shall be deemed and held to be the principal officers of the said institution, and the service of the execution on them or any of them, shall be deemed and held to be good and valid in law, and the trustees shall be entitled to all the privileges in defending all suits brought against said corporation, which were

heretofore granted to the Westmoreland Bank of Pennsylvania: *Provided*, That a list of the trustees who shall have accepted of said trust, shall be filed in the office of the prothonotary of Westmoreland county immediately thereafter. Proviso.

FRED'K SMITH, *Speaker*  
of the House of Representatives.

DANIEL STURGEON,  
*Speaker of the Senate.*

APPROVED—the tenth day of March, A. D. one thousand eight hundred and thirty.

GEO. WOLF.

No. 48.

AN ACT

Authorising the Governor to incorporate the Shippenville and Emlenton turnpike road company.

SECT. 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 William Crawford, Andrew M'Caslin, James F. Agnew, Benjamin Junkin, William Best, Thomas Thompson and Richard Shippen, be and they are hereby appointed commissioners, to do and perform the duties hereinafter mentioned, that is to say, they shall on or before the first day of August next, procure one or more books and enter therein as follows, viz: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Shippenville and Emlenton turnpike road company, the sum of fifteen dollars, for every share of stock in said company set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act entitled "An act authorising the Governor to incorporate the Shippenville and Emlenton turnpike road company." Witness our hands the                    day of                    Anno Domini one thousand eight hundred and                    ,” and shall thereupon give such public notice in one or more public newspapers printed in the county of Venango,

Commissioners to open books, &c.

Form of subscription.