

[No. 215.]

A N A C T

To incorporate the Franklin Cemetery Company in the township of the Northern Liberties, county of Philadelphia, and for other purposes.

WHEREAS, Mrs. Catharine R. Livingston, of the township of the Northern Liberties in the county of Philadelphia, has proposed to convey to George Boyd, and John W. Kester, a lot of land containing about seven acres, lying on the Frankford road, near the two mile stone, of which she is the owner Preamble, in trust nevertheless, for the purpose of a rural burial place to be called the Franklin Cemetery: *And whereas*, William H. Moore, Nicholas Helverson, William C. Stiles, Benjamin S. Janney, A. J. Bucknor, Charles J. Wolbert, Zachariah B. Ziegler, R. W. Evans, Joseph Battin, A. Miskey, John Agnew, Henry W. Chadwick, George Mulock, Abel Reed, J. E. Parker, Thomas Harrison, S. B. Kingston, George Scott, William Super and others, have signified their wishes to take lots in the said cemetery as burial places for themselves and families, to the number of nearly one hundred: *And whereas*, it has been customary among all nations to promote as far as may be practicable by legislative enactments, the laudible object of setting apart, and appropriately ornamenting such places of burial, and also of securing them from all ordinary liabilities of disturbance.

Therefore,

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 said George Boyd, John W. Kester, Corporators, William H. Moore, Nicholas Helverson, William C. Stiles, Benjamin S. Janney, A. J. Bucknor, Charles J. Wolbert, Zachariah B. Ziegler, R. W. Evans, Joseph Battin, A. Miskey, John Agnew, H. W. Chadwick, George Mulock, Abel Reed, J. E. Parker, Thomas Harrison, J. B. Kingston, George Scott, and William Super, together with such other persons as have become purchasers, or who may hereafter become purchasers of lots in the said Cemetery, be and they hereby are Name, made a body politic and corporate in law, under the name of the Franklin Cemetery Company.

Burial lots. SECTION 2. That the said George Boyd, and John W. Kester, trustees as aforesaid, shall have power to arrange and lay out the said lot of land, so conveyed to them in trust by the said Catharine R. Livingston, for a rural cemetery into lots or subdivisions for family and other burial places, together with the avenue leading thereto, and to plant and embellish the same with trees, shrubbery, flowers, walks and other rural ornaments, according to the original intention of the parties concerned, as expressed in their printed plan, and also that the said William H. Moore, Nicholas Helverson, William C. Stiles, Benjamin S. Janney, A. J. Bucknor, Charles J. Wolbert, Zachariah B. Ziegler, with such other persons as have become, or may hereafter become purchasers of lots in the said cemetery, shall have power to meet and elect from among themselves, a board of seven managers, upon whom shall devolve the charge of the separate interests of the owners of lots in the cemetery, with full powers to adopt all such rules and regulations as they may deem proper, relating to the same, *Provided always*, That the said board shall not interfere with the separate interests of the said trustees, or with the primary rules and regulations agreed upon between them and the original purchasers.

Managers.

Proviso.

Trustees to lay out adjoining lot. SECTION 3. That the said trustees shall have power by and with the consent of the said board of managers, chosen by the purchasers of burial places in the lot aforesaid, to accept and fulfil a further trust from the said Catharine R. Livingston, or her heirs, of an adjoining lot of about five acres, to be laid out in the same way for a burial place, and subject to the same rules and regulations, and for the same purposes as the first mentioned lot, if the same shall be thought expedient.

No streets &c to pass through cemetery. SECTION 4. That no streets, lanes or roads, shall hereafter be laid out through the lands so occupied as a cemetery as aforesaid, and that the same, or so much thereof as may be actually occupied as a place of burial, shall be exempt from taxation.

Court may appoint commissioner to take depositions &c. SECTION 5. That the judges of the district court of Allegheny county, be and they are hereby authorized to appoint a commissioner, with authority to take depositions, to be read on the trial of causes in said court, or upon motions, rules, petitions, and other matters that may be brought before said court, and the judges thereof shall provide such regulations as they shall think expedient, setting forth the conditions upon which the deposition taken as aforesaid, may be read on evidence. And they shall have authority to supercede any commissioner appointed by them, by appointing another in his place.

Power of commissioner. SECTION 6. The commissioner thus appointed, shall have authority to administer oaths, and shall receive such compensation for his services as the court shall direct, which shall be taxed among the costs of the suit in which depositions shall

be taken, in the same manner as depositions taken under the existing laws.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-ninth day of May, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 216.]

AN ACT

To incorporate the Middlefield Coal 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 George W. Riter, Thomas Weaver, Thomas W. Francis, Frederick Augustus Raybold, William Shippen, William W. Haly, and their associates, successors, and assigns, be and they are hereby constituted a body politic and corporate, by the name, style and title of the Middlefield coal company, with a capital of two hundred and fifty thousand dollars, divided into five thousand shares, of fifty dollars each, and the said company may hold not exceeding two thousand acres of land, consisting of more than two distinct bodies within the counties of Northampton and Luzerne, and shall have power to locate and construct a rail road from any point or points on their lands to any convenient point of intersection with the Beaver Meadow and Hazelton rail roads, and any other rail roads in the valleys of Hazel, Beaver, Quakake, and other neighboring creeks, and the Lehigh canal or any of them and the company hereby incorporated shall possess and enjoy all the powers, privileges, and immunities, and be subject to the restrictions, terms and conditions (except so far as is herein otherwise provided) provided in an act to incorporate the Hazelton coal company, passed the eighteenth of March, Anno Domini, one thousand eight hundred and thirty-six; *Provided, That whenever the*

Corporators,
Name and
style.
Capital \$250,
000
Company to
hold 2000
acres of lands.
May intersect
Beaver Mead-
and Haz-
elton rail road
Privileges,
&c.
Proviso.