

[No. 83.]

AN ACT

Entitled an act authorizing Jacob Sorrick and Michael Hettrick, trustees of the Lutheran congregation at Clover creek, Huntingdon county, to sell and convey certain real estate, and for other purposes.

Trustees of
the Lutheran
congregation
at Clover
Creek to con-
vey real es-
tate

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 Jacob Sorrick and Michael Hettrick trustees of the Lutheran congregation at Clover creek, Huntingdon county, Pennsylvania, are hereby authorized and empowered, for valuable consideration, to transfer, sell and convey unto the trustees of the Williamsburg and Sinking Valley congregation, all the right, title and interest of the said Clover creek congregations, of and in a certain house and lot of ground, situate in the town of Williamsburg, and county of Huntingdon, which has heretofore been held in common as a parsonage house by the pastor of the aforesaid Clover creek, Williamsburg and Sinking Valley congregations, and to make and execute a good and sufficient deed of conveyance in fee simple for the same.*

Locust
Mountain
coal and iron
company to
be incorpora-
ted

SECTION 2. That Samuel R. Wood, Charles W. Hegins, and Robert W. Richardson, or a majority of them, and their associates, successors and assigns, be and they are hereby created and constituted a body corporate and politic, by the name, style and title of the "Locust Mountain Coal and Iron Company," the capital stock of which company shall not exceed five hundred thousand dollars, and the said company may hold, not exceeding at any one time more than six thousand acres of land, in the counties of Columbia and Northumberland; and the said company shall have the same powers, liberties, privileges, immunities, and be subject to the same terms and conditions as are imposed on the Anthracite Iron company, incorporated by an act of assembly, passed the twenty-fifth day of May, A. D. eighteen hundred and thirty-nine, entitled "An act to incorporate the Anthracite Iron Company:" *Provided*, That the company hereby created shall not be restricted to the use of anthracite coal in carrying on their operations; and they are hereby further authorized to employ such portion of their capital as may be necessary in mining coal, constructing rail roads, and in transporting to market, and in vending the produce of their lands, mines and manufactures, and in dealing in

Proviso

such articles of personal property as may be necessary to enable them successfully to carry on their operations aforesaid.

SECTION 3. That the sum of five thousand dollars be and the same is hereby appropriated to the erection of the northeast range of cells in the Western Penitentiary, in the city of Allegheny, the money to be drawn on the warrant of the Governor upon the State Treasurer, to be paid out of any money in the treasury accruing from the labor of the convicts in said penitentiary and not otherwise. Additional cells to be erected in the Western Penitentiary

SECTION 4. From and after the passing of this act, the county of Clarion shall form a part of the twenty-second senatorial district for the election of members of the Senate, and shall make a return of the votes given for members of the senate, at the same time and place, and in the same manner directed by law, for the counties of Jefferson McKean, Potter, Tioga, Venango, and Warren.

WHEREAS, Charles F. Roberts, late of the city of Philadelphia, did on the eighteenth day of April, one thousand eight hundred and thirty-four, by a certain indenture bearing that date, grant and convey *inter alia* all his real estate, situate in the city or county of Philadelphia, unto Joseph P. Norris, junior, and John J. Smith, upon certain trusts therein specified: *And whereas*, The said property has by the decease of the said John J. Smith, and the conveyance of the said Joseph P. Norris, junior, the survivor, become vested in Benjamin Gerhard, upon the said trusts: *And whereas*, Certain persons claiming to be creditors of the said Charles F. Roberts have instituted, or are about instituting suits to invalidate the said trusts, by means of which proceedings the title of the said Benjamin Gerhard is brought into disrepute, so that he is wholly unable to sell said property, although sales might otherwise be effected greatly to the advantage of all persons interested in the said real estate. Trustees of the estate of Charles Roberts to convey real estate Now therefore.

SECTION 5. The said Benjamin Gerhard may, if he has, or as often as he shall hereafter, make any contract for the sale of the whole, or any part of the said real estate, apply by petition to the orphans court for the city and county of Philadelphia, setting forth such contract, and praying said court to confirm the same; and if the said court shall approve of and confirm the same, he shall and may convey the property so contracted to be sold unto the purchaser or purchasers thereof, freed and exempt from all claims of any creditor of the said Charles F. Roberts, who shall not have acquired liens upon the same, prior to the date of the said deed of trust, and with- Manner of

out any obligation on the part of such purchaser or purchasers, to see to the application of the purchase money thereof: *Provided always nevertheless*, That the said orphans court shall direct the investment of the purchase money in such security or securities as shall seem most eligible to said court, and that such purchase money shall stand in lieu and stead of the said real estate so sold as aforesaid, and be liable in the hands of the said trustee, to all or any claim which any person or persons may establish to have been a claim against the said real estate, and the supreme court for the eastern district of Pennsylvania, sitting in bank shall have all the powers of a court of equity to enforce said claims against the funds to be produced by the sales aforesaid, or against said trustee in respect thereof.

Unseated
lands in Dau-
phin county
to be sold

SECTION 6. That hereafter all unseated lands, vacant lots, and pieces of ground within the county of Dauphin, shall be sold for the payment of all taxes due and to become due thereon, on the first Monday in August, in the year one thousand eight hundred and forty-two, and on the first Monday in August, in every two years thereafter, and the treasurer of the county of Dauphin shall, if he find it necessary, adjourn sale from day to day, until all be sold and that so much of the act, entitled "An act directing the mode of selling unseated lands for taxes," approved April third, one thousand eight hundred and four, and the supplements thereto, as is hereby altered, be and the same is hereby repealed, so far as they respect the county of Dauphin.

Commission-
ers to lay out
a state road

SECTION 7. That John H. Groce, Henry Neely and Richard Richardson, of Clarion county, be and they are hereby appointed commissioners to view and lay out a state road from Emlenton, to the Susquehanna and Waterford turnpike road, at or near Shippensville in said county.

Viewers to be
sworn

SECTION 8. It shall be the duty of the said commissioners, or a majority of them, appointed to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act, with impartiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points, as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at crossing ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit; and further it shall be the duty of the commissioners to have due regard to the crossing of waters,

the nature of the ground and damages to private property, and all other circumstances that may affect the route, so that by a judicious combination of them the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar each for every day they shall be necessarily employed in performing the duties of this act, and the said commissioners are hereby authorized to employ one surveyor at two dollars per diem, two chain bearers and one axe man, at a per diem allowance not exceeding seventy-five cents.

Pay of commissioners

To make a draft

SECTION 9. It shall be the duty of the said commissioners, to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of quarter sessions of the respective counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public high-way, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by orders of the courts aforesaid; and the damages sustained by the owners of private property assessed and paid in the same manner.

To be paid by the county

SECTION 10. The accounts of the said commissioners for their own pay, and for the pay of supervisors, chain carriers, and markers, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurer thereof, on warrants drawn in the usual way, in proportion to the length of road in such county respectively.

To meet on or before the first Monday of June next

SECTION 11. The said commissioners shall meet on or before the first Monday in June next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation, or any other cause, the court of quarter sessions of the proper county as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Sheriff's deeds made evidence

SECTION 12. That the certificate of the prothonotary of any court, to an acknowledgment of a sheriff's deed heretofore made, shall be sufficient evidence of such acknowledgment, notwithstanding no other record was made thereof at the time of such acknowledgement: *Provided*, That the provisions of this section shall not be construed to affect any bona fide holder or purchaser, who had neither actual or constructive notice of the execution of such sheriff's deed.

The name of the Williamsport light infantry changed

SECTION 13. That hereafter the Williamsport Light Infantry Company, of Huntingtondon county, shall be known by the name, style and title of the Williamsburg Infantry Company.

Regulating assessments in Lancaster county

SECTION 14. That if any farm or piece of ground in the county of Lancaster, shall or is divided by the lines of two or more adjoining townships running through such farm or piece of ground, whereby certain parts thereof will be or is thrown into different townships, the assessor of the township where the principal occupant of such farm or piece of ground resides, or when there is no occupant, then the assessor of the township in which the greater part of such farm or piece of ground is located, shall proceed to assess the value of the whole farm or piece of ground for county rates and levies, in the same manner as if the whole tract of land was located in the township, of which he is assessor, and the assessor or assessors residing in the township, or town and townships in which the other part of such piece of ground is located shall take no notice thereof in making their assessment.

Commissioners of Berks county authorized to sell real estate

SECTION 15. That the commissioners of Berks county, be and they are hereby authorized and empowered, after at least thirty days notice previously given, in one English and German newspapers, published in the county of Berks and county of Schuylkill, to sell, dispose of, and convey, for the highest and best price that can be obtained for the same, at public sale, for the whole or any part of a certain tract of wood land called the Saw Mill tract, situate on Tumbling Run in now (orlate) Brunswick township, in the county of Schuylkill, containing four hundred acres, and the allowance of six per cent; and a good and sufficient deed or deeds of conveyance, in fee simple, to make to the purchaser or purchasers of the same, and the said deed or deeds of conveyance, being duly acknowledged, before some officer authorized to take the acknowledgment of deeds, shall vest in the purchaser or purchasers of the said real estate all the right, interest and title of the said county of Berks, in and to the same, and the money arising from such sale or sales,

after deducting all cost and necessary expenses, shall be by the said commissioners paid in the treasury of Berks county.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

JOHN STROHM,

Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 84.]

AN ACT

To reduce the capital stock of the Atlantic Insurance Company of Philadelphia, 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 the capital stock of the Atlantic Insurance Company of Philadelphia, shall be reduced to the sum of one hundred and twenty thousand dollars, either by purchase in the market below par of such number of shares of its own stock, not exceeding one thousand, as can be purchased with the surplus of capital that may remain after setting apart in good and substantial securities, worth at the fair market price of the day, the aforesaid sum of one hundred and twenty thousand dollars, or by the equal distribution of said surplus among the stockholders, according to the number of their shares respectively: *Provided,* That no such purchase of stock, or distribution of capital, shall be made so as to impair the liability of the present capital stock of the company, to any person or persons holding contracts with the company for which the present capital is pledged.

SECTION 2. That this act shall be submitted to the stockholders at a public meeting to be called for the purpose, and if a majority of the same, holding upwards of half the amount of shares of the capital stock, shall then, or at any subsequent period, prior to the first day of July next, assent to the same in writing, it shall go into effect as is hereinafter provided, otherwise it shall be and remain of no force whatever, except that the said stockholders shall be exempted after the termination of all the contracts for which the present capital is