

incurred, by said company, since the passage of the act of the third May, one thousand eight hundred and forty-one, in the construction of the road along Front street.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate

APPROVED—The thirteenth day of June, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 96.]

AN ACT

For the settlement of certain incidental expenses on the unfinished lines of canal, 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 Auditor General be and he is hereby authorized and required to settle the accounts, for superintendence, engineering, office rent, and other incidental expenses necessarily incurred on the unfinished lines of canal, which were not provided for by the act passed fourth May, one thousand eight hundred and forty-one, entitled "An act to provide revenue to meet the demands on the treasury and for other purposes: *Provided,* That no sum be paid to engineers beyond the twenty thousand dollars appropriated, by the act of fourth May, eighteen hundred and forty-one, except so much as may be necessary to pay them up to June last.

Borough of
Beaver

Election
changed

SECTION 2. That so much of an act entitled "An act to erect the town of Beaver, in the county Beaver, into a borough, and for other purposes," passed the twenty-ninth day of March, Anno Domini one thousand eight hundred and two, as requires the elections for borough officers, to be held on the first Monday of May, in every year, shall be altered so that the said elections shall be held on the day appointed and fixed by law for the holding of elections of constables and other township officers in every year. In case of a failure to hold any election on the last mentioned day, or on any other day ordered and directed by the burgess of the said borough, for the time being, and in case of a failure of the qualified

voters thereof, to elect any officer or officers, the burgess aforesaid shall issue his precept for a new election in the manner provided in the second section of the said act, in cases of vacancy by death, resignation, refusal to accept and removal from said borough.

SECTION 3. That no failure to hold any election for borough officers in the said borough, heretofore or hereafter occurring, shall be deemed or held to be a forfeiture of any of the corporate privileges of the citizens of the said borough, but the same shall remain unimpaired thereby, and on such failure, the officers of the next preceding year shall continue in office, until successors shall be duly elected, and all bonds or other securities for the faithful discharge of their duties, as such officers shall likewise continue and be held in full force. A failure to elect shall not forfeit charter

SECTION 4. That Milton Bird, J. P. Weethee, L. Lindley, William D. Barclay, J. W. Jenks, A. M. Byan, L. R. Woods, Lewis Marchand, John Cary, S. L. Hudson, W. E. Post, Henry L. Pennock and Samuel Murdock, be and they are hereby created a body corporate and politic, in law and in fact, by the name and style of the Board of Education, for the Cumberland Presbyterian Church in the United States, and by the same name, shall have perpetual succession, and may make contracts, sue and be sued, have a common seal, purchase, receive, hold and enjoy, sell and convey lands and tenements, money, goods, chattels and effects: *Provided*, That the clear yearly value or income of the messuages, lands and tenements, or other real estate whatever of the said corporation, shall not exceed the sum of one thousand dollars. Incorporation of the board of education for the Cumberland Presbyterian church. Proviso.

SECTION 5. The object of this corporation shall be to educate, and aid in the education of all such persons as the said board or a majority of them may think proper, and in the manner they may deem best calculated to attain that object. Object

SECTION 6. This corporation shall consist of thirteen members, who shall have power to elect officers, fill vacancies in their own body according to such by-laws, as a majority of them may make, not inconsistent with the constitution of the United States, and state of Pennsylvania or the laws thereof, and exercise, do and perform all the acts, and have all the power of a body corporate: *Provided*, That no person shall continue a member of said corporation, for a longer period of time than three years unless he be re elected. Corporation officers vacancies and by-laws Proviso

SECTION 7. Nine members of the said board shall constitute a quorum for the transaction of business. Quorum.

SECTION 8. The said corporation shall hold their first meeting for organization on the first Tuesday of July, Anno Domini one thousand eight hundred and forty-two. Organization

SECTION 9. The legislature of this commonwealth shall have power at any time to alter, amend or repeal this act. Repeal

SECTION 10. That Hannah Baird, widow of Isaac Baird, late of Manayunk, in the county of Philadelphia, deceased, and Catharine Baird authorized to sell real estate. and guardian of William J. Baird, a minor child of the said deceased, and Christiana M. Baird a daughter of full age, of the deceased, be and they are hereby authorized to sell, either by public vendue or outcry, or at private sale as to them may seem most advantageous, a certain lot or peice of ground situate on Main street, in Manayunk aforesaid, containing in Front on said street thirty-four feet, and extending in depth two hundred feet, to the Philadelphia, Germantown and Norristown rail road, adjoining lands of William M'Glinchey and George Shields, whereon have been erected since the death of said Isaac Baird, two stone houses two stories high, and to make and execute to the purchaser or purchasers thereof, a good and sufficient conveyance and assurance in the law, for the same, which conveyance and assurance shall vest in the purchaser or purchasers, all the estate, right, title and interest in law and equity which the said Isaac Baird, at and immediately before his death had and held in the same, and all the estate, right, title and interest in law and equity, which the said Hannah Christiana M. and William J. Baird, now have and hold therein, and in the said houses thereon erected with the appurtenances, and that the moneys arising from such sale be appropriated in the first place, to pay and discharge the amount due and owing to George Moyer, of Roxborough township, in the county aforesaid, for work done and materials furnished in the erection and construction of the said houses, since the death of the said Isaac Baird, and in the second place, to pay and extinguish a certain ground rent, of thirty dollars per annum, issuing out of the said lot, and another lot in Manayunk, belonging to the estate of the said deceased, and with the balance of the said purchase money, if there should be any, to erect upon the said last mentioned lot, one or more houses, if the said widow and children should deem it expedient, the said houses when erected, to be subject to the directions contained in the last will and testament of the said Isaac Baird, deceased, in the same manner as if they had been erected by the testator in his life time, and if the said widow and children should not deem it expedient to erect said houses with the said balances, then to invest and secure the same under the control and direction of the Orphans' court, for the city and county of Philadelphia, in such manner as will best promote the interests of the parties concerned: *Provided*, That the purchaser or purchasers of the premises hereby authorized to be sold, shall not be in any manner responsible for the application of the purchase money: *And provided also*, That before the said widow and guardian, and the said Christiana M. Baird, shall proceed to make such sale, they shall give security in the

Proceeds disposed of

Proviso

Second proviso

Orphans' court aforesaid, in such manner and in such sums as the said court shall order and direct, for the faithful execution of the power hereby committed to them, and the proper and faithful application of the proceeds of sale, of the real estate hereby authorized to be sold.

SECTION 11. That the state treasurer be and he is hereby authorized to pay to the said Patrick Collins, out of any money in the treasury not otherwise appropriated, the sum of fifty dollars in full consideration for services rendered by him, as clerk to the superintendent of the improvement of the public ground which surrounds the capitol.

Patrick Collins' account to be settled by State Treasurer

SECTION 12. That the president, directors, and company of the Bank of Kentucky, a corporation created and established by an act of the general assembly of the Commonwealth of Kentucky, be, and the same are hereby authorized to proceed in equity in the court of common pleas in and for the city and county of Philadelphia, against the Schuylkill Bank, in the city of Philadelphia, and any other person or persons the complainants may think fit to make a party defendants, either by a new and original bill or bills, or by amending and enlarging any bill or bills now pending in said court for the settlement and decision of all controversies, complaints, claims and questions between said banks, and especially all and every controversy, complaint, claim, and question arising out of certain alleged excessive issues of certificates of stock purporting to have been duly issued, and purporting to be certificates of stock of the said Bank of Kentucky, or liability or liabilities therefor, and commonly known by the name of "spurious stock," or out of any disposition or transfer of the same, or any part thereof, or any liability arising therefrom; and all and every account or accounts between the said banks of what nature or kind whatsoever, so as to make a final end thereof, and that in such proceedings it shall not be necessary, nor required, nor allowed to make or bring in any other party or parties, but the said banks, except as aforesaid, and that the said court be, and hereby is authorized to take cognizance and jurisdiction of any suit or suits in equity, so as aforesaid instituted, or to be instituted, and to proceed therewith to hear and determine the matters aforesaid between the said banks, and without other parties than as aforesaid, after the manner and course of a court of equity, and to make such final decree thereon, and to grant such relief as to justice and equity shall appertain, and to make all orders and references, direct issues, and decide all incidental questions which may rise, and take all measures for the security of money, funds, or other things of value, which it may seem necessary to bring into court, or otherwise place in safety, and exercise all other powers over the parties, the case and the funds, money, or other things of

Bank of Kentucky vs Schuylkill bank
Procedure directed

Proviso

Second proviso
so

Not to interfere with the rights of persons not a party to said suit

Bank of Kentucky to be considered as the holder of the "Spurious Stock"

Holders of "Spurious Stock" authorized to proceed against Schuylkill bank

Manner of proceeding

value aforesaid, and employ the same means to enforce the final decree as are usual in courts of equity, or are authorized by law in other cases: *Provided always*, That whatever sum or sums of money shall be decreed to and recovered by the complainants in the premises aforesaid, shall be paid into court and distributed, pro rata, to or among the holder or holders of the said "spurious stock," in proportion to their respective amounts, and that the said court be and hereby is authorized and directed to use such means as may seem to said court necessary and proper for fully effectuating this provision: *Provided also*, That nothing in this act contained or that shall be done under the authority thereof, shall be deemed, construed or taken in any way to interfere with, impair or affect the rights or claims of any person or persons not a party to said suit or suits, nor to hinder him or them from prosecuting any suit or suits at law or in equity, which such person or persons may or might have, or shall hereafter become entitled to have, and no decision of any question made in the suit or suits herein and hereby authorized, shall conclude prejudice or affect any such person or persons, the intention of this act being to reserve to all and every such person or persons their full rights and remedies, save and except that those who may receive any portion under the next preceding section shall be bound to give credit for the same.

SECTION 13. That in the proceedings authorized by the first section of this act, the Bank of Kentucky shall be taken and considered as representing the holders of the said "spurious stock," and suing, not only for their own use, but also for the use of the said holders, without prejudice however, to the said holders, and reserving their rights aforesaid, and especially reserving any right or rights which such holder or holders may now have against the said Bank of Kentucky.

SECTION 14. That any person or persons, body politic or corporate, being the holder or holders of the said "spurious stock," or any portion thereof, be and the same are hereby authorized to proceed by bill in equity, in the said court of common pleas, or in the supreme court for the eastern district of Pennsylvania, against the said Schuylkill Bank, and other person or persons the complainant or complainants may think fit to make a party defendant for the settlement and determination of all controversies, complaints, claims and questions between the parties arising out of or touching the said "spurious stock," held by the said complainant or complainants, or out of the issuance thereof, or out of any sale, transfer, or disposition thereof, or touching or concerning the liability of said Schuylkill Bank, to the complainant or complainants for, or on account of said spurious stock, held by them. And that in such proceeding it shall not be necessary, nor required,

nor allowed, except as aforesaid, to make or bring in any other party or parties. And that the said courts be and they are hereby authorized respectively to take cognizance and jurisdiction of any suit or suits in equity that may be instituted or commenced as aforesaid, and to proceed therein, and to hear and determine the matters thereof without other parties therein aforesaid, after the manner and course of a court of equity, and to make such final decree therein, and grant such relief as to justice and equity shall appertain, and to make all orders and references, direct issues if need be, and decide all incidental questions which may arise and take all measures for the security of money, funds, or other things of value which it may seem necessary to bring into court, or otherwise place in safety and exercise all other powers over the parties, the case and the funds, money, or things of value aforesaid, and employ the same means to enforce them and to enforce the final decree as are usual in courts of equity, or are authorized by law in other cases.

SECTION 15. That the Canal Commissioners be and they are hereby authorized to, and instructed to settle and adjust the accounts of Richard Waters, a contractor for erecting a bridge across the Philadelphia Rail road, between Duke and Lime streets in the city of Lancaster, upon principles of justice and equity, and shall pay him out of the damage fund such sum as in their judgment he shall be justly entitled to over and above the contract price: *Provided*, The sum so allowed shall not exceed two hundred dollars.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

We do hereby certify that the bill entitled "an act for the settlement of certain incidental expenses on the unfinished lines of canal and for other purposes," was presented to the Governor on the fifth day of April, one thousand eight hundred and forty-two, and was not returned within three days after the meeting of the Legislature in June, in the year aforesaid; wherefore it has, agreeably to the provisions of the Constitution of this Commonwealth become a law in like manner as if he had signed it.

WM. J. B. ANDREWS,
Clerk of the House of Representatives.

GEO. W. HAMERSLEY,
Clerk of the Senate.

Harrisburg, June 13, 1842.