

or non-acceptance of the common school system, as directed by the thirteenth section of the act to which this is supplementary, and if a majority of the votes polled at the said election, be in favor of accepting the common school system, said system shall be as fully accepted as if the question had been so determined on the first Monday of June, one thousand eight hundred and thirty eight, and upon such acceptance the said board of directors, and all others connected with the common school system in said district, shall be authorized to do and perform within twenty days from and after the said election, all the acts and things necessary to the operation of the common school system in said district. And the said district shall be entitled to the same portion of the school appropriation which they would have been entitled to, had they adopted the common school system, in accordance with the sixteenth section of the act of the thirteenth of April, one thousand eight hundred and thirty-eight.

Directors to
hold an elec-
tion

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The sixteenth day of July, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 117.]

AN ACT

To authorize the court of Common Pleas, of Luzerne county, to appoint auditors in certain cases, 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 court of common pleas in the county of Luzerne, shall on the application of one hundred taxable inhabitants of the county, appoint one or more suitable person or Auditors persons to act as auditor or auditors, whose duty it shall be to

re-audit, settle and thoroughly investigate the accounts of the public officers of the said court: *Provided*, That before the court confirm the same, they may, on reasonable cause shown, refer the report back to to the said auditor or auditors for re-examination: *And provided also*, That such investigation shall not extend to public officers that have been out of office for a period exceeding seven years.

Proviso.

Power of Auditors

SECTION 2. The said person or persons appointed in pursuance of the provisions of the first section of this act, shall have all the powers conferred upon the county auditors, by the act to which this is a supplement, and shall receive the same compensation to be paid out of the county stock, by an order drawn upon the county treasurer, by the judges of the court of common pleas of said county: *Provided*, That the final report of such auditor or auditors shall be filed among the records of the court of common pleas of the county, and shall have the same effect as the report of auditors, filed in pursuance of the provisions of the fifty-fifth section of the act to which this is a supplement: *And provided also*, That the party aggrieved by the report of such auditor or auditors, may appeal from the said report, in the same manner that an appeal may be granted by the provisions of the several acts of assembly, now in force upon this subject: *Provided*, That any treasurer whose accounts shall be examined shall be allowed out of the county treasury, for every day he shall attend said examination, one dollar and fifty cents per day, which shall be allowed him by the county commissioners.

Proviso.

2d proviso

Lackawaxen bridge

SECTION 3. That the provisions of the eleventh section of the act of twentieth February, one thousand eight hundred and twenty-eight, entitled "An act to authorize the governor to incorporate a company to erect a bridge over the Lackawaxen river at or near its mouth, in the county of Pike, and for other purposes," be and the same are hereby extended for a further period of five years.

Writs of error from Nicholson's court

SECTION 4. That writs of error or appeals to the supreme court of this commonwealth, from all the judgments, orders or decrees of the Nicholson court of pleas of Pennsylvania, may be taken in all cases in the same manner as are allowed in cases decided by the several courts of common pleas of this Commonwealth.

E B Hoskins made legitimate

SECTION 5. That Edward B. Hoskins son of George Hoskins, of Chester county, shall have and enjoy all the rights benefits and advantages of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any property which may descend to him from his parents, or either of them, as fully and completely to all intents and purposes as if he had been born in lawful wedlock.

SECTION 6. WHEREAS, A tax was levied on the township of Swatara, in the county of Dauphin, for the education of poor children, amounting to sixty-seven dollars and eighty-four cents, and has been collected by Robert R. Elder, and since that time said township has accepted the common school system and put it in operation. Therefore.

Preamble

Be it enacted, that said Robert R. Elder is authorized and required to pay said sum of sixty-seven dollars and eighty-four cents, into the hands of the treasurer of the school district of said township, to be applied in aid of the common school fund.

R R Elder
pay certain
tax

SECTION 7. That it shall be the duty of the commissioners appointed on the part of the commonwealth, to settle the estate of John Nicholson, to report to the state treasurer the amount of money, the time when and the name of any attorney, agent or person who may heretofore, have collected any money due on bonds given by the purchaser of lands, late of John Nicholson, and who has not paid the same over to the state treasurer, and the said commissioner shall notify such attorney, agent or person, or his legal representatives, to pay the same into the state treasury within thirty days, from the service of such notice, together with its interest, from three months after the receipt of such money, by such attorney, agent or person as aforesaid. That in default of such attorney, agent or person, or his legal representatives, not paying the same into the state treasury together with its interest as aforesaid, the state treasurer shall state an account thereof, and certify the same to the commissioner aforesaid, who shall forthwith proceed to collect and recover the same by due course of law.

Duty of
Nicholson
com's to re-
port State
Treasurer
&c.

SECTION 8. That for all services to be done and performed by the commissioner aforesaid, in pursuance of the duties enjoined on him by virtue of the thirteenth, fourteenth and fifteenth sections of the act of sixteenth April, one thousand eight hundred and forty, and by this act he shall receive the sum of five per cent out of the state treasury, on all moneys paid and securities delivered into the state treasury by any person or himself, and arising from the estate of John Nicholson, and which he is authorized to attend to. The state treasurer is authorized hereby to pay the contingent expenses of the said commissioner, which has or may accrue in the discharge of the duty of the said commissioner respecting the estates of John Nicholson and Peter Baynton, out of any money of the said Nicholson, and which the said commissioner is authorized to collect as aforesaid: *Provided*, Said commissioner, agent on the part of the state shall enter into recognizance before the court of the proper county, for the proper disbursement of the same, and payment into the state treasury before he shall receive the same, to be approved by the said court.

Pay of com's

Proviso

Preamble

WHEREAS Benjamin B. Cooper, died seized in fee simple, of a large body of unseated lands, situated in the county of M'Kean, in this Commonwealth, and also of other unseated lands in said county which he held in trust for the use of his children, after they should arrive at the age of twenty-one years: AND WHEREAS, the said Benjamin B. Cooper, by his last will and testament, devised all of said lands to Ralph V. M. Cooper, Sarah Ann Cooper, (now Sarah Ann Lee,) and William M. Cooper, his only children and heirs in equal proportions, and by his said last will and testament directed his executors to sell and convey the same, and apply the proceeds to their respective uses in such proportions: AND WHEREAS, Charles C. Gaskill and Ralph V. M. Cooper the acting executors named in said will, have in pursuance thereof effected a contract of sale of a large body of said lands, including about three thousand eight hundred and sixty-three acres, of that portion held by said Benjamin B. Cooper, deceased, in trust as aforesaid: AND WHEREAS, The said Ralph V. M. Cooper having arrived at the age of twenty-one years, sold and conveyed his undivided interest in said lands to Isaac Stokes, who approves and joins in the contract of sale made above, by said executors of the remaining two undivided third part, and the said Sarah Ann Cooper, now Sarah Ann Lee, having arrived at the age of twenty-one years, together with her husband Francis P. Lee, approves of and sanctions said contract of sale: AND WHEREAS, the said William Cooper, now of the age of eighteen years, and his guardian Richard W. Howell approve of said sale, and desire that the same may be carried out and perfected on the part of said William M. Cooper, and the said lands be conveyed clear of any incumbrance on account of the conditions of said trust estate. Therefore.

Ex'rs of B B
Cooper to sell
real estate

SECTION 9. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met;* That the said Charles G. Caskill and Ralph V. M. Cooper, executors of said Benjamin B. Cooper deceased, as aforesaid, shall be and are hereby fully authorized to sell and convey the interest of said William M. Cooper, in said three thousand eight hundred and sixty-three acres incumbered by the provisions of said trust, in the same manner and on the same conditions as they are authorized by said last will and testament to sell the other lands, of which said B. B. Cooper, died seized, in said county of M'Kean. And the deed of conveyance which they may so execute, shall extinguish the incumbrance of said trust, and vest the title in the vendee or vendees, their heirs and assigns, as fully and perfectly as though no such trust estate had ever been created or existed.

SECTION 10. The adjutant general of Pennsylvania is here-

by authorized to furnish the Curvinsville artillery, in Clear-Curvinsville field county, with such arms and equipage as artillery compa-Artillery nies are now by existing laws entitled to.

SECTION 11. That in all cases of imprisonment for debt, the plaintiff or plaintiffs shall be liable for the boarding and Plaintiffs to jailer's fees, from the time of the commitment, if the defendant pay jailors shall make affidavit that he is unable to support himself, and fees the sheriff or jailer may recover the same as debts of similar amount are by law recoverable.

SECTION 12. The canal commissioners are hereby directed to pay to contractors on the Conneaut line, of the Erie ex-Conneaut tension, the retained per centage due on their contracts, out of line retained the appropriation made for payment of debts on said line, for per centage work done prior to first May, eighteen hundred and forty-two.

SECTION 13. That in all cases for the assessment of damages caused by the construction of canals or rail roads by in-Public works corporated companies in this Commonwealth, if the viewers costs for or a jury shall find for the plaintiff any sum of damages, such views &c award or verdict on the rendition of judgment shall carry costs, unless there may be some provision in the act incorporating such company to the contrary.

SECTION 14. That the governor be authorized to com-C W Fisher mission Charles W. Fisher, as a third lieutenant of the volun-3d Lieuten- teer company, styled the National Greys of Reading. aut

SECTION 15. That the fourth section of an act of assembly, passed the eighteenth day of March, one thousand eight hundred and forty-two, which prohibits the commissioners of Com's & the incorporated districts of the county of Philadelphia, from school direc- exercising the duties of commissioner and school director at tor of incor- the same time, shall take effect on and after the twentieth day porated dis'ts of March, one thousand eight hundred and forty-three, and the Phila said commissioners whose duties as school directors have been vacated, are hereby authorized to resume and perform the duties of school director as heretofore, and the third section of "An act to authorize Charles Smith, to erect a dam across C Smith's Dunning creek, in Bedford county, and for other purposes," dam in Dun- passed the twenty-fourth day of March, one thousand eight ning creek repealed hundred and forty-two, is hereby repealed.

SECTION 16. That there shall be and is hereby established in the borough of Clarion, in the county of Clarion, a female Clarion fe- seminary or public school for the education of female youth, male semina- in the English and other languages, and in the useful arts, ry incorpora- sciences and literature, by the name, style and title of the ted Clarion Female Seminary; the said seminary to be under the Name management, direction and government of a board of trustees, not exceeding eleven in number, six of whom shall be a quo-Powers &c

rum to transact business. The trustees are the following named persons: Charles Evans, Christian Myers, Robert Barber, George R. Hamilton, Patrick Kerr, Jonathan Frampton, Thomas M. Jolly, J. W Coulter, J. T. Pritner, James Ross and James Goe, which said trustees and their successors, to be elected as hereinafter mentioned, shall be and they are hereby erected, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation in deed and in law, to all intents and purposes whatsoever, by the name, style and title of the trustess of the Clarion Female Seminary, by which name and title the said trustees and their successors shall be able and capable at law and in equity, to take to themselves and their successors for the use of the said seminary, any estate in any messuage, lands, tenements, hereditaments, goods, chattels, moneys or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever: *Provided*, The same does not exceed in the whole, the yearly value of three thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let and place out on interest or otherwise dispose of, or invest for the use of the said seminary in such manner, as to the said trustees, or a quorum of them shall seem most beneficial to the said institution, and to receive the rents, issues, profits, income and interest of the same; and to apply the same to the use of said seminary, and by the same name to sue, prosecute and defend, and implead, be impleaded in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by and in the same name, to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person or body politic or corporate have power to manage their own concerns.

Proviso

Seal

SECTION 17. That said trustees shall cause to be made for their use, one common seal with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of the said corporation, shall pass and be authenticated and the same seal at their pleasure may break and alter and devise a new one.

Trustees
meeting

SECTION 18. There shall be a meeting of said trustees held once in every year at least at Clarion, at such time as the said trustees or a quorum of them shall appoint, of which meeting due and timely notice shall be given, and if less than a quorum attend at such meeting, those present shall have power to adjourn to another day, said trustees shall have the power

of making and enacting ordinances for the government of the said seminary; of electing trustees in the place and stead of those who shall resign or die, or remove from the county of Clarion aforesaid, of electing and appointing the teachers for the said seminary, for agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient; of appointing committees of their own body to carry into execution, all and every the resolutions of the said board; of appointing a president, secretary, treasurer and other officers whom they may find necessary for managing the corporation; of providing for the punishment of all violations of the rules, regulations or ordinances of the seminary, or other misconduct committed by the pupils or other persons thereat, and generally at any annual, adjourned or extra meeting, shall determine all matters and things (although the same are not herein particularly mentioned,) which shall occasionally arise and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinance or regulation shall be of any force which is repugnant to the constitution and laws of the United States or of this Commonwealth.

President &c

SECTION 19. That the teachers of said seminary or a majority of them, shall have the power of enforcing the rules and regulations adopted by the trustees, for the government of the pupils, and to grant and confirm by the order and direction of a quorum of the board of trustees, such degrees in the arts, sciences and other branches thereof, of such pupils of the seminary and others, who by their proficiency in learning, or other distinction they think shall be entitled to them, as have been usually granted in other similar seminaries, or which the said trustees or a quorum thereof shall think right and proper, and to grant to such graduates certificates under their common seal.

SECTION 20. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person who may be either as principal, teacher, tutor or pupil be refused admission into the seminary, or be denied any of the privileges, immunities or advantages thereof, for or on account of his or her sentiments in matters of religion.

SECTION 21. No misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest to or from said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing whereby any estate or interest was intended to pass to or from said corporation.

Misnomer

Repealing
clause

SECTION 22. The legislature reserves the right to revoke, alter or annul the charter hereby granted at any time they may think proper.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The sixteenth day of July, A. D. eighteen hundred and forty-two.

DAVID R. PORTER.

[No. 118.]

A N A C T

To Incorporate the Mount Carbon and Port Carbon Railroad Company, and for other purposes.

Comm'rs

Form of sub-
scription

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 John Price Wetherill, Jacob K. Olewine, Benjamin H. Springer and Henry C. Carey, of the city of Philadelphia; Samuel Bell, George D. B. Keim and Dr. Luther, of Berks county, and G. G. Palmer, Hugh Kinsley, John Pinkerton, Burd Patterson and Charles Ellet, of Schuylkill county, or any two of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of December next, procure three books, one of which shall be opened at the Exchange, in the city of Philadelphia, one at the house of Daniel Herr, in Reading, Berks county, and one at the Pennsylvania Hall, Pottsville, Schuylkill county, in each of which they shall enter as follows:—
“We whose names are hereunto subscribed do promise to pay to the president and managers of the Mount Carbon and Port Carbon railroad company the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be de-