

the said act of the fifth of May, one thousand eight hundred and forty-one; but all such actions of ejectment shall be tried and finally determined as though the said fifth section of the said act of the fifth of May, one thousand eight hundred and forty-one, was in full force.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 417.

AN ACT

Authorizing the governor to incorporate the Larrie's Creek plank road company; relative to the estate of James Jones, of the state of Delaware, and Henry C. Heermans and Sarah Ann Steele, of the county of Luzerne; to the real estate of Margaret Manderson; to the accounts of the brigade inspector of Lycoming county; authorizing John Archey to collect certain school taxes; to legitimate Livina Ely; and relative to Hockley's alley and Bingaman street, in the city of Reading.

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 A. Gamble, Robert Crane, Robert S. Bailey, John Knox, junior, Robert H. Lawshe, George Tomb, A. H. M'Henry, E. H. Russel, Commissioners. Jacob Sallada, Joseph B. Torbit, Samuel Humes, Lewis P. Reeder, J. W. Maynard, John F. Cowen, Hepburn M'Clure, William Riddell, Oliver Watson and Robert Farries, be and they are hereby appointed commissioners to open books and receive subscriptions, and organize a company by the name, style and title of "The Larrie's Creek plank road company," with power to construct a plank road from the West Branch canal, at or near the mouth of Larrie's creek, to the most practicable point on Little Pine creek, in Lycoming county, by the nearest and best route, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplement thereto, excepting that portion of the thirteenth section of the act first named relating to tolls, which discriminates in favor of wheels of the width of four inches and upwards; and the company hereby incorporated shall have power to regulate their tolls within the limits prescribed by said thirteenth section, without reference to the width of wheels in any case. *Style.* *Location.* *Subject to provisions of certain act.*

SECTION 2. That the capital stock of said company shall consist of Capital stock. one thousand five hundred shares, at twenty-five dollars per share:

Proviso.

Provided, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the road or roads, and to carry out the true intent and meaning of this act.

Commencement and completion of road.

SECTION 3. That if said company shall not commence the construction of their road within five years after the granting of this charter, and complete the same within ten years thereafter, this act shall be null and void, except so far as the same may be necessary to wind up the affairs and pay the debts of said company.

Provisions of the first five sections of certain act relative to certain state road in Lycoming county, continued in force.

SECTION 4. That the first, second, third, fourth and fifth sections of the act, entitled "An Act authorizing the laying out a state road from the mouth of Larry's creek, in Lycoming county, by the way of Wellsborough, Tioga county, to the New York state line, at or near Lawrenceville, in said county, and to incorporate the Easton cemetery of Northampton county," approved the fifth day of April, one thousand eight hundred and forty-nine, be and they are hereby continued in force until the first day of January, one thousand eight hundred and fifty-one.

Trustee of James Jones authorized to sell certain real estate.

SECTION 5. That the person appointed by the chancellor of the state of Delaware, trustee of James Jones, a lunatic, shall have power, and he is hereby authorized, to sell, on the best terms he can procure, either at public or private sale, all his, the said James Jones, right, title, estate and interest to and in a certain tract of land situated in what was originally called Beaver county, in this commonwealth, and which is the same tract which was granted by this commonwealth to doctor James Jones, deceased, a surgeon in the Revolutionary army, and by him demised, by his last will and testament, of record in the office of the register of wills of Kent county, in the said state of Delaware, to his son, the aforesaid lunatic, James Jones, for life, and after his death, to his children, in fee simple; but in case he died without having such children at the time of his death, to his daughter, Esther Layton, (now *Easter Meager*.) and Mary Walker, in fee simple: *Provided*, That no such sale shall be made until the aforesaid trustee shall have filed in the court of common pleas of Beaver county aforesaid, a certificate, under seal of the aforesaid court of chancery of the state of Delaware, of the fact that by proceedings instituted in said county, the said James Jones has been declared a lunatic, and of the appointment of said trustee; nor until Daniel Meager and the aforesaid *Easter*, his wife, and the aforesaid Mary Walker, shall have consented to sell all their contingent interest in the said land at the same time; and no deed shall be executed to the purchaser by the said trustees, unless the said Meager and wife and Mary Walker shall join therein, with a view to the conveyance of all their said interest aforesaid, and until the whole purchase money is actually paid into the hands of the said trustee.

Deed to be good and valid.

SECTION 6. The deed of the said trustee, made in pursuance of this act, shall as effectually convey to the purchaser all the title and estate of the said James Jones, as if the said James Jones were of sound mind, and had voluntarily conveyed the same to him.

Investment of funds.

SECTION 7. The money arising from said sale, after deducting reasonable expenses and paying all costs and charges, and charges and proceedings in lunacy, procuring aid, filing certificates and execution of papers shall be invested by the said trustee, in some safe security upon real estate in the said state of Delaware, bearing six per cent. interest, and the said interest shall be made payable to the said trustee during the life time of the said James Jones, or so long as he may remain a lunatic, and the principal at his death, to the said trustee for the use of his children, in case he should come to his reason, contract marriage and leave children living at the time of his decease; but in case he

should die without leaving such children, then the said principal to paid to the said Esther Meager, and the said Mary Walker, and their executors, administrators and assigns, in equal shares or proportions; that is to say, one moiety to the said Esther Meager, and her executors, administrators and assigns, and the residue to the said Mary Walker in like manner.

SECTION 8. The purchaser of the said tract of land shall in no wise be responsible for the proper application by the said trustee, of the purchase money thereof. Purchaser not to be responsible for the application of the moneys.

SECTION 9. That the guardian of Henry C. Heermans, a minor son of Henry Heermans, late of Luzerne county, deceased, be and is hereby authorized to sell at public or private sale, parts or the whole of the real estate of the said minor, situate in said county; and make deed or deeds to the purchaser or purchasers, leaving the widow's dower charged on the lands during her life, and the principal thereof payable at her death, or upon the wards coming of age with the widow's assent: *Provided*, That before any deed is executed and delivered, the said guardian shall make report of any all sales to the orphans' court of said county, and if the said sale shall be approved by the said court, the court shall order and direct the said guardian to file a bond or bonds and the amount thereof, with security, with condition similar to the one now required by law in case of an order of sale to a guardian, and upon the filing of a bond and approval of the security, the said court shall forthwith endorse an order of absolute confirmation of the sale. Guardian of Henry C. Heermans authorized to sell certain real estate.

SECTION 10. That Luther Kidder, esquire, trustee of Sarah Ann Steele, formerly Sarah Ann Heermans and widow of Henry Heermans, deceased, late of Providence, Luzerne county, be and he is hereby authorized to convey to the said Sarah Ann, and her heirs, all the right, title and interest to the property, real, personal and mixed, of every kind and nature, vested in him by the deed of Joseph Steele, Jr., and the said Sarah Ann, bearing date the fifteenth November, A. D., one thousand eight hundred and forty-five, and recorded in the proper office in said county, on the twentieth November, one thousand eight hundred and forty-five; and the said trustee is authorized to convey to the said Sarah Ann and her heirs, all the interest and rights taken under the said deed, by deed under his hand and seal, the said Joseph Steele, Jr., having been divorced from the said Sarah Ann by decree of the court of common pleas of said county. Trustees of Sarah Ann Steele authorized to convey certain estate.

SECTION 11. That the first section of the act, entitled "An Act authorizing the trustees of Margaret Manderson to sell certain real estate," approved the twenty-second day of January, one thousand eight hundred and fifty, shall be so construed as to authorize and empower the trustees for the time being of Margaret Manderson to the real estate in said act mentioned, and to convey the same to the purchaser or purchasers thereof free from and discharged of every trust, and without any obligation on the part of such purchaser or purchasers thereof, to see to the application of the purchase money. Construing certain act relative to the real estate of Margaret Manderson.

SECTION 12. That it shall be the duty of the brigade inspector of the county of Lycoming, to order a court of inquiry, to be composed of five officers highest in rank, now residing within the bounds of said county, whose duty it shall be, having been first sworn or affirmed to discharge the duties of their appointment with fidelity, to examine the accounts of Robert Fleming, late brigade inspector of said brigade, and to hold a court of appeal in order to exonerate such of the fines as it was impossible to collect at the time such fines were imposed, and to make report, under oath, of the amount of such exoneration to the auditor Court of inquiry authorized to examine the accounts of Robert Fleming, late brigade inspector.

general, whose duty it shall then be to re-settle and restore the account of the said brigade inspector Robert Fleming.

John Archey,
collector of taxes
in Ferguson
township, Cen-
tre county, au-
thorized to col-
lect certain taxes.

SECTION 13. That John Archey, collector of state, county and school taxes of Ferguson township, Centre county, for the year one thousand eight hundred and forty-six, be and he is hereby authorized to collect such of the said taxes as remain unpaid: *Provided*, That the said taxes are collected, or proceedings instituted for their recovery within one year from the passage of this act.

Lavina Ely le-
gitimated.

SECTION 14. That Lavina Ely, daughter of John Ely, of the borough and county of Lebanon, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if she had been born in lawful wedlock.

Hockley's alley,
Reading, vacated.

SECTION 15. That so much of a certain lane or alley in the city of Reading, named Hockley's alley, in the plot of Reading, as made January first, one thousand eight hundred and forty-six, by M. S. Richards, surveyor, as lies between the Schuylkill canal and the road called the River road, to Reese's mill, being in width twenty feet, and in length about sixty feet, be and the same is hereby vacated, and the *tittle* to the soil over which the same passes, be and the same is hereby vested in fee simple in the owners of the ground adjoining: *Provided however*, That before closing the said part of said alley prayed to be vacated, there shall first be opened and dedicated to public use in lieu thereof, on the land adjoining another opening or passage way of the width of twenty feet, to extend from the Schuylkill canal to the road called the River road to Reese's mill.

Proviso.

Bingaman street,
Reading, va-
cated.

SECTION 16. That that part of Bingaman street, in the city of Reading, which lies between Tenth street and the intersection of Franklin street, in said city with said Bingaman street, being in width fifty feet, and in length about eight hundred and eighty feet, be and the same is hereby vacated, and the *tittle* to the soil over which the same passes, be and the same is hereby vested in fee simple in the several owners of grounds fronting upon the same respectively.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eighth day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.