

L A W S

2002-46

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1853,

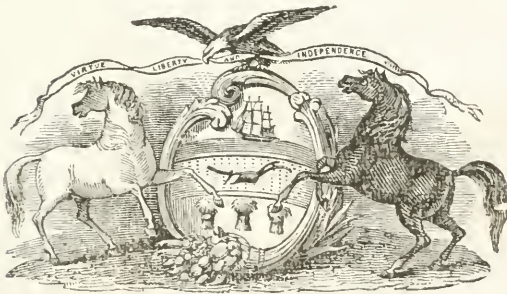
IN THE

SEVENTY-SEVENTH YEAR OF INDEPENDENCE.

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WITH AN APPENDIX.

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PUBLISHED BY AUTHORITY.

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HARRISBURG:  
THEO. FENN & CO., PRINTERS TO THE STATE.  
1853.

said corporation shall not be authorized to engage in the business of banking.

Dividends.

SECTION 17. That the directors shall annually declare a dividend of so much of the profits, if any, of the corporation, as to them shall appear advisable, to be paid to the respective stockholders agreeably to such rules and regulations as the directors shall make for that purpose.

Statement.

SECTION 18. That the directors shall annually publish a full and accurate statement of the condition and affairs of the corporation.

W. P. SCHELL,

*Speaker of the House of Representatives.*

THO. CARSON,

*Speaker of the Senate.*

APPROVED—The second day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

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No. 194.

## AN ACT

Incorporating the West Kishacoquillas Valley turnpike road company; to elections in the borough of Lewistown; to the erection of a Lock-up house in the borough of Lewisburg, Union county; authorizing the school directors of said borough to sell real estate; to the Lewistown Water company; to the Lewistown Academy; to the real estate of William Barr, deceased; extending chancery powers to the courts of Common Pleas of Lycoming county; and to the Catawissa, Williamsport and Erie railroad 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*

Commissioners.

William M. Fleming, Shem Zook, John Henry, William Cummins, Alexander Gibboney, Joseph Campbell, junior, E. Biglow, David Zook, William McClellan, Davis McK. Contru, James Fleming, George Wilson, Yost King, James McDonald, John C. Wattson, and P. F. Kessler, or any five of them, be and they are hereby appointed commissioners, to open books, receive subscriptions, and organize a company by the name, style and title of "The West Kishacoquillas Valley Turnpike road company," with power to construct a turnpike road from Brown's Mills, on the Kishacoquillas and Bellefonte turnpike, or Lewistown and Kishacoquillas turnpike, in Mifflin county, by the nearest and best routes, in the opinion of the directors, or a majority of them, as shall be for the interests of the company, to the village of Mill Creek, on the Pennsylvania canal and railroad, in Brady township, in Huntingdon county, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto.

Style.

Location.

Subject to provisions of certain act.

SECTION 2. That the capital stock of said company shall consist of Capital stock. fourteen hundred shares, at twenty-five dollars each: *Provided*, That *Proviso.* 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 and carry out the true intent and meaning of this act, and that all persons subscribing stock shall, at the time of subscribing, pay to the commissioner to whom such subscription is made the sum of one dollar per share so subscribed, out of which shall be paid the expenses of taking such subscription and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, agreeable to the provisions of this act, such first payment on each share to be taken and considered as a part payment on each share subscribed, and that the said corporation shall be organized as soon as two hundred shares of the said stock be taken.

SECTION 3. That whenever said company shall have finished two Tolls. and a half miles or more of said road, they shall have power to erect gates and receive tolls, agreeable to the conditions and restrictions of sections twelve and thirteen of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

SECTION 4. That the work shall be commenced within two years Commencement after the passage of this act, and completed within ten years, but the and completion failure to complete the whole line within that time shall not work a of road. forfeiture of the parts which have been completed, so as to entitle the company to receive toll on them.

SECTION 5. That when in the opinion of the directors of this com- Place of com- pany sufficient stock is subscribed to place a part of said road under mencement. contract for construction, they shall commence at its eastern terminus on the Kishacoquillas and Bellefonte turnpike, or Lewistown and Kishacoquillas turnpike, and continue the same in a westerly direction to the village of Belleville or Allenville, as the amount of their subscription will justify, but not beyond this last point, unless those citizens residing within the limits of Brady township in Huntingdon county, should on their part subscribe stock sufficient to build said road through that township.

SECTION 6. That at the election for borough officers in March, one Borough of thousand eight hundred and fifty-four, the qualified voters of the bo- Lewistown to rough of Lewistown, in the county of Mifflin, shall elect three persons elect three audi- as auditors, who shall decide by lot which of them shall hold the tors. office for one, two and three years, and thereafter the voters of said borough shall annually elect one person as auditor for three years: that so much of an act relating to the election of auditors in said borough as is hereby altered or supplied, be and the same is hereby repealed.

SECTION 7. That the town council of the borough of Lewisburg, Town council of Union county, be and they are hereby authorized to erect or have the borough of erected, a suitable building in the borough of Lewisburg, in said Lewisburg to county, to be used as a lock-up house or place of security for the tem- erect a lock- porary detention of persons committed by justices of the peace, or by up house. the burgess or assistant burgess acting in his place, for any violation of the laws of this Commonwealth, or of the ordinances of said borough, for which such person or persons could be lawfully committed to the common prison, there to remain and be kept until such offender can be conveniently conveyed to the county jail, or until he, she or they be discharged according to law: *Provided*, That no person or *Proviso.* persons shall be confined in said lock-up house at any one time for a longer period than twenty-four hours, except such person or persons

be charged with an indictable offence and it may be necessary to detain him, her or them, for legal examination.

Tax to defray expenses.

SECTION 8. That for the defraying of the expense of the erection of the said lock-up house, the town council may levy and collect a special tax equal to that which may be levied for county purposes in said borough.

County to pay costs for arresting persons.

SECTION 9. That the expenses of arresting, binding over or committing and keeping any such person or persons in said lock-up house, or conveying him, her or them to the common jail of the county aforesaid, on an indictable offence, shall be paid by the county of Union, on the presentation of proper accounts of the same to the commissioners of said county.

School directors to sell certain real estate.

SECTION 10. That the school directors of the Lewisburg school district are hereby empowered to sell at public sale, all the real estate now belonging thereto, and execute proper and sufficient deeds therefor, and invest the proceeds thereof in the purchasing of a lot and erecting a suitable building or buildings therein, for the use of said district for school purposes: *Provided*, That no sale shall take place unless at least three weeks notice of such intended sale shall have been given, in at least one newspaper published in the borough of Lewisburg.

Burgess and town council of Lewistown to elect a manager for Lewistown water company.

SECTION 11. That the burgess and town councils of the borough of Lewistown be and they are hereby authorized, at their meeting preceeding the election of managers of the Lewistown water company, to elect any qualified voter of said borough as a manager to represent the stock held by that borough in said company, which manager shall enjoy, have, hold and exercise, all the rights, privileges and powers in said board of managers, as if elected under the provisions of the act incorporating said company.

Stockholders to elect six managers.

SECTION 12. That the stockholders of the Lewistown water company shall hereafter elect six managers, who, with the manager elected by the burgess and town council of the borough of Lewistown, shall constitute the board of managers of said corporation; and so much of the act incorporating said company as is hereby altered or supplied, be and the same is hereby repealed.

Repeal.

SECTION 13. That so much of the several sections of the act entitled "An Act relating to certain school districts," passed the third day of April, one thousand eight hundred and fifty-two, as relates to the number of trustees of the Lewistown academy, be and the same is hereby repealed.

Benjamin Everhart to sell certain real estate.

SECTION 14. That Benjamin Everhart, of Harris township, Centre county, or in case of his refusal or inability to act, any person appointed by the orphans' court of the county aforesaid, be and he is hereby authorized and empowered to sell at public sale, and convey by deed or deeds, in fee simple, to the purchaser or purchasers, all the certain two tracts of land late the property of William Barr, deceased, situate in Harris township, Centre county, adjoining lands of George Boal, John Sparr, John Hasser, Robert Gohean, and others, containing one hundred and thirty acres, or thereabout, with the appurtenances, and divide the proceeds of said sale equally among the heirs and guardians of the minor children of said decedent, according to the true intent and meaning of the last will and testament of said deceased: *Provided*, That before any conveyance shall be made of the estate above mentioned, in pursuance of any sale made by virtue of this act, the said sale shall be approved by the orphans' court of Centre county; and the said Benjamin Everhart shall further give secu-

ry, to the satisfaction of said court, for the faithful application of the proceeds of said sale.

SECTION 15. That from and after the passage of this act, the chancery powers now vested in the courts of common pleas of the city and county of Philadelphia be and the same are hereby extended to the court of common pleas of Lycoming county.

Chancery powers extended to Lycoming co.

SECTION 16. That the Catawissa, Williamsport and Erie railroad company, are hereby authorized to purchase and hold any number of acres of land said company may deem sufficient, for depots, wood yards and station houses, not exceeding fifteen acres at any one point; and the said company shall have the right to take and occupy as much land as may be necessary for slopes in excavations and embankments, in addition to the four rods in width granted in the charter of said company.

Catawissa, Williamsport, and Erie railroad company to hold land.

SMITH SKINNER,

*Speaker pro tem. of the House of Representatives.*

THO. CARSON.

*Speaker of the Senate.*

APPROVED—The second day of April, one thousand eight hundred and fifty-three.

WM. BIGLER.

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No. 195.

## AN ACT

To incorporate the Rosemont Cemetery company; relative to Judicial proceedings, assessments and jurors, in Columbia and Montour; to a certain State road; to the bounty upon fox scalps in Luzerne county; to hunting in certain counties; to elections for officers of the Lackawanna and Western, and Delaware, Lackawanna and Western railroad companies; to the Nescopeck Bridge company; authorizing the Wilkesbarre and Providence plank road company to borrow money; and relative to the estate of Samuel Davenport, deceased, of Luzerne county.

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* Henry Funk, Joel Rudderow, William Weaver, D. J. Waller, Thomas Tannyhill, Peter Apleman, Daniel Snyder, Jesse Shannon, Jacob Eyer, Daniel Melick, and Erastus Barton, of Columbia county, together with such other persons as may become purchasers of lots for burial purposes within the tract of land to be set apart for cemetery purposes, be and hereby are made a body politic and corporate in law, under the name, style and title of "The Rosemont Cemetery company," and by that name shall be able and capable in law to use a common seal, to sue and be sued, to implead and be impleaded, and shall have perpetual succession, and may do all such things as are incident to such corporation.

Corporators.

Style.