

and annually thereafter, the term of service of the said directors shall expire on the last day of June: *Provided*, That if *Provided* any directors shall have been elected for the year one thousand eight hundred and forty-three, before the passage of this act, they shall not take their seats or perform any duties as such, until the first of July next.

SECTION 3. That it shall be lawful for the commissioners Comms of the districts of Kensington and Southwark, in the county of Philadelphia, to elect one-third of their number of school directors annually.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 39.]

AN ACT

To repeal the Nicholson Court of Pleas, and to release the lien of the Commonwealth on the estate of John Nicholson, deceased.

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 act, entitled "An Act to settle the estates of John Nicholson and Peter Baynton," passed the sixteenth day of April, Anno Domini, one thousand eight hundred and forty, and all other acts or parts of acts relating to the Nicholson court of pleas and commissioners, be, and the same are hereby repealed. Repeal of former law

SECTION 2. That the alleged lien of the commonwealth on all the lands belonging or supposed to belong to the estate of John Nicholson, deceased, be, and the same is hereby released and discharged, as fully and effectually, to all intents and purposes whatsoever, as if the same had never existed; and the act passed the twenty-sixth day of March, Anno Domini, one thousand seven hundred and eighty-five, entitled "An Act for Lien of commonwealth released

the limitation of actions to be brought for the inheritance or possession of real property, or upon penal acts of assembly," shall be construed to apply in all its force, to all actions brought, or to be brought for the recovery of the possession of lands, to which John Nicholson in his life time held either the legal or equitable title—and that sales of said lands for taxes under the act of the thirteenth day of March, one thousand eight hundred and fifteen, entitled "An Act to amend an act, entitled 'An Act directing the mode of selling unseated lands for taxes, and for other purposes,'" and its several supplements, or under any other act of assembly, shall be held as legal and valid, as sales of other unseated lands for taxes; and the purchaser or purchasers, their heirs and assigns, shall be entitled to all the privileges and benefits, of all acts of assembly relating to the sale of unseated lands for taxes, and the provisos in the twentieth section of the supplement to an act, entitled "An Act authorizing the governor to incorporate the 'Tioga navigation company,'" passed twelfth day of April, one thousand eight hundred and forty-two, are hereby repealed, and the provisions of the said twentieth section of said act, as to a valuation for improvements, shall apply to all cases of improvements made bona fide under a tax title.

Construction
of former
acts to apply
to Nicholson
estate

SECTION 3. That the several acts of assembly, providing for the recording of deeds and other instruments of writing, concerning real estate, shall be construed and taken to apply in all their force, to all titles, conveyances and instruments of writing relating to the estate of John Nicholson, or by, or under which John Nicholson, his heirs and assigns, and any person or persons claiming under him and them, claim a title to real estate; and every such title, conveyance and instrument of writing, not being recorded according to said acts, shall be null and void against bona fide purchasers, and against persons in possession, under any title claimed from the commonwealth, or any commissioner's, or treasurer's sale.

Patents of
commonw'th

SECTION 4. That it is hereby declared, that all patents granted by the commonwealth, do pass and vest the entire estate of the commonwealth to, and in the patentees, free and clear of all liens, incumbrances and claims of the commonwealth whatsoever, prior to the date of the respective patents, except for arrears of purchase money.

Grants or as-
signments of
soldiers &c.

SECTION 5. That no conveyance or assignment of lands granted to soldiers and widows of soldiers of the revolution-ary war, made by such soldiers or widows, prior to the date of the respective patents, or any transfer or sale, of the right of said soldiers or widows by them executed prior to the date of said patents, shall invalidate the title of the said

patentees, their heirs and assigns, unless there shall be contained in said patent a recital of such deed, conveyance, transfer or assignment, or unless the same shall have been duly recorded in the proper office of the county in which the lands are situated: *Provided*, That nothing in this act contained, shall be construed to confirm or render valid any conveyance or transfer by such soldier or widow which was prohibited by law.

SECTION 6. That for the purpose of quieting any doubts or fears of the security of the titles derived from the common-^{Quietening ti-}wealth, that they be, and hereby are, declared to be good and valid, and no ways impaired, affected or incumbered by the said lien, but that the owners thereof shall hold, possess and enjoy the same, as fully, freely and amply, in every respect, as if the said lien had never been declared or created, saving to all others than the commonwealth, their several rights and interests in the said lands, according to the laws of this commonwealth: *Provided however*, That if any person shall recover in any suit of ejectment by virtue of title predicated ^{Proviso} on the claim of John Nicholson, against any person or persons deriving his or their title from this commonwealth, or holding under any commissioner's or treasurer's deed, before any writ of possession shall issue, the plaintiff in any such suit shall pay to the defendant thereon, all taxes which may have been paid on any land so recovered, together with the legal interest thereon: *Provided*, He has not been remu-^{Proviso}nerated by the mesne profits.

SECTION 7. That all bonds, notes and agreements, for the payment of money in the hands of the Nicholson court and commissioners, shall be delivered over by them to the state ^{Bonds on compromises &c.} treasurer, and the auditor general shall settle the accounts of the commissioners for their daily pay, travelling expenses and clerk, for settling the estates of John Nicholson and Peter Baynton, and shall be paid by the state treasurer out of any moneys arising from compromises and sales of Nicholson and Baynton lands: *Provided*, That the clerk shall receive no ^{Proviso} compensation from the treasury of the commonwealth, if it shall appear that he was employed by the heirs or creditors of John Nicholson and Peter Baynton, or by one of the commissioners for his own benefit, on which subject it shall be the duty of the auditor general to take testimony and decide: *And provided*, That the auditor general shall also settle printers bills for advertising, in the same manner.

SECTION 8. From and after the passage of this act, all the ^{Transfer of} records, books, papers, drafts, vouchers and documents, in records &c. the Nicholson court at Harrisburg, and in the office of the ^{of Nicholson} commissioners of the Nicholson estate, shall be transferred ^{court}

Proviso

to, and remain under the care and control of the surveyor general of this commonwealth, who shall deliver copies thereof, under his hand and the seal of his office, which shall be as good evidence in any court of this commonwealth as the original might or could be, and the fees charged for copies shall be the same as those for similar papers in the land office: *Provided nevertheless*, That the heirs and representatives of John Nicholson, deceased, shall have free access to the said records, books, papers, &c., without the payment of fees.

Appeals &c.
from Nicholson court

SECTION 9. That if at any time hereafter, on an appeal or writ of error, taken from the orders and decrees of the Nicholson court of pleas, to the supreme court, agreeably to the provisions of the fourth section of the act of sixteenth July, one thousand eight hundred and forty-two, entitled "An Act to authorize the court of common pleas of Luzerne county, to appoint auditors in certain cases, and for other purposes," the decision of said supreme court should affirm the compromise or sale made by the commissioners, to the purchaser of any of the Nicholson lands, that then, and in that case, the governor of the commonwealth is hereby authorized and required to do and perform whatever may be necessary in the premises, as fully and effectually as the said court could or should have done; and the secretary of the commonwealth shall make and execute deed or deeds, to said purchaser or purchasers, agreeably to the provisions of the act of sixteenth April, one thousand eight hundred and forty, entitled "An Act to settle the estates of John Nicholson and Peter Baynton."

Privileges of
purchasers
&c.

SECTION 10. That all the actual settlers who reside upon the lands claimed by the commonwealth, as belonging to the estate of John Nicholson, and who have compromised or purchased their farms or possessions, shall have the privilege of returning to the treasurer of the commonwealth, any papers or evidence of title received from the commissioners to settle the estate of John Nicholson, and shall have their bonds given for the same, cancelled: *Provided*, That nothing contained in the second section of this act shall be so construed as to allow for improvements made within two years after a sale for taxes, under the act of one thousand eight hundred and fifteen.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

We do certify, that the bill, entitled "An Act to repeal the Nicholson court of pleas, and to release the lien of the commonwealth on the estate of John Nicholson, deceased," was presented to the governor on the twenty-seventh day of February, one thousand eight hundred and forty-three, and was not returned within ten days, (Sundays excepted,) after it had been presented to him. Wherefore, it has, agreeably to 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.

CHARLES W. HEGINS,
Clerk of the Senate.

HARRISBURG, March 11, 1843.

[No. 40.]

AN ACT

Authorizing F. B. Hubbard, a justice of the peace, to take testimony and perpetuate evidence of certain records of his office.

WHEREAS, The dockets of Franklin B. Hubbard, a justice of the peace, in and for the borough of Mercer, Mercer county, have been stolen, and all the records and proceedings therein lost. For remedy whereof,

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 said Franklin B. Hubbard shall procure a docket or dockets, in which he shall enter all judgments and proceedings which were contained in the dockets stolen as aforesaid, in all cases where he can do the same from the papers on file, and that where there should be an allegation of the payment in all or part of any judgment so entered by any defendant, his agent or attorney, or other persons interested, verified by the oath or affirmation of such person, or that no such judgment ever existed, the said justice shall issue a scire facias to revive the same, in which the question of payment or of the existence of the judgment shall be tried.

New docket
authorized

SECTION 2. That where there is not sufficient evidence contained in the papers on file to enable the said justice to rein-