

[No. 113.]

AN ACT

To convey certain real estate, 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 trustees of Henry M. Fine and Elizabeth R. Fine, his wife, late Elizabeth R. Gurney, be and they are hereby authorized and empowered to let the real estate of the said Elizabeth R. Fine in fee on ground to let real estate Elizabeth R. Fine and Henry M. Fine, during their joint lives, and with the consent and approbation of the said trustees on the same trusts and subject to the same limitations and provisos as are expressed and set forth in a certain indenture quadri partite, bearing date the twelfth day of May, in the year of our Lord one thousand eight hundred and eighteen, between Elizabeth R. Gurney of the first part, Henry M. Fine of the second part, Mary Gurney, Daniel Smith and George Sheaff, guardians of the person and estate of the said Elizabeth R. Gurney of the third part, and Charles A. Poulson and Joseph R. Evans, of the fourth part, which said indenture is recorded in the office for the recording of deeds, &c., for the city and county of Philadelphia, in deed book I. W. N. page eight, &c.

Trustees of
Henry M.
Fine & wife
to let real es-
tate

SECTION 2. *And be it further enacted by the authority aforesaid,* That the said trustees shall pay over to the said Elizabeth R. Fine, out of the sales of her estate, such sum not exceeding in the whole four thousand dollars, and of this sum not exceeding fifteen hundred dollars in any one year, as the court of common pleas upon the application of the said trustees shall deem necessary and proper.

Trustees to
pay Elizabeth
R Fine

SECTION 3. That Thomas Elmes, trustee of Sarah Brooks and her children, be and he hereby is authorized to raise a sum of money not exceeding two thousand dollars, by mortgage of a certain lot or piece of ground with the three story brick messuage thereon erected, situate on the east side of Delaware Sixth street, between Pine and Powell streets, in the city of Philadelphia, containing in breadth, north and south, sixteen feet nine inches, and in length fifty-eight feet

Trustee of
Sarah Brooks
to dispose of
real estate

Proviso three inches: *Provided*, That the sum so raised be applied within twelve months after the receipt thereof to pay off the principal and arrears, if any, of a ground rent of thirty-eight dollars on the said house and lot, and to reduce a mortgage of thirty-seven hundred dollars on certain of the trust estate to the sum of twenty-seven hundred dollars.

Eliza Thomas authorized to take certain property **SECTION 4.** That Eliza Thomas, the mother of William Johnson, an illegitimate child, late of the city of Philadelphia, be and she is hereby enabled to take and receive, sue for and recover, in her own right and for her own separate use, whatever balance may remain in the hands of the administrator of the said William Johnson, upon the final settlement of the estate of the said Johnson, saving the rights of all persons except the commonwealth of Pennsylvania: *Provided*, Said balance shall not exceed three hundred dollars.

Proviso

Trustees of Jonathan Zane to transfer certain estate **SECTION 5.** That the trustees appointed under the will of Jonathan Zane be and they are hereby authorized to transfer by good and sufficient conveyance, all the estate, real or personal, now held by them under the said will of Jonathan Zane, to "the institute for colored youth," the said real and personal estate, to be held by the said "the institute for colored youth" and their successors forever, and to be applied by them to the general purposes of the institution.

Trustees to account to institute for colored youth **SECTION 6.** That it shall not be lawful for any other person or body politic than the said "the institute for colored youth," to call to account the said trustees, but that the said "the institute for colored youth" are hereby authorized to call the said trustees to account, and to charge them with such sum or sums of money as may be just and proper; and after the said trustees shall have paid over and conveyed such money and other property as may be ascertained to be in their hands; to discharge them and each of them from all liabilities arising out of the said trust estate.

Margaret Falls to hold certain property **SECTION 7.** That Margaret Falls, the mother of Hannah Maria Strickland, an illegitimate child, late of the county of Chester, deceased, be and she is hereby enabled to take and receive, sue for and recover in her own right and for her own separate use, whatever sum may remain in the hands of the executor of Hannah Strickland, deceased; devised by her in her last will and testament, dated the twenty-sixth day of February, A. D. eighteen hundred and twenty-eight, to the said Hannah Maria Strickland, with interest from the time the said legacy was made payable, saving the rights of all persons except the commonwealth of Pennsylvania: *And provided*, Said legacy with interest shall not in the aggregate exceed the sum of one hundred dollars.

SECTION 8. That in cases where the wife is lunatic or non compos mentis, the courts of common pleas of this com-^{Divorce pro-}monwealth are invested with authority to receive a petition or^{ceedings} libel for a divorce, which may be exhibited by any relative or^{when wife is} next friend of the wife; and the affidavit required by the^{lunatic} act concerning divorces may be made in the manner required by the act by such relative or next friend; and all the provisions of the several acts relating to divorces shall apply to all applications made under the directions of this section: *Provided*, That the fact of the lunacy of the wife and such circumstances as may be sufficient to satisfy the mind of the court as to the truth of the allegation, shall be set forth in the petition; and upon the hearing of the case before the court or upon an issue to be tried by the jury, the question of lunacy with every other matter of fact that is affirmed by one party and denied by the other, shall be heard and investigated in the manner prescribed by the provisions of the several acts concerning divorces.

SECTION 9. That in all cases where sheriff's sales of any^{Sheriff's sale} debtors real estate have been or shall be made in several coun-^{in several}ties, and one or more liens shall be claimed to exist against^{counties} the real estate so situate and sold in several counties, the court of common pleas of the county in which the first sale was or shall be made, or in case a special court shall be necessary, then the president judge of any district adjoining the same shall have jurisdiction to decree distribution of the whole of the funds so raised by the said sales: *Provided*, That in^{Proviso} case of a special court as aforesaid, the said judge holding the same, before making the final decree of distribution, shall try all the necessary issues in fact in the proper county where the said issues may be formed.

SECTION 10. That all legacies given and lands devised to^{Legacies and} any person or persons, and any interest which any person or^{land devised} persons may have in real or personal estate of any decedent, subject to^{levy} by will or otherwise, which are subject to foreign attachment^{levy} by the act of the twenty-seventh of July, one thousand eight hundred and forty-two, entitled "An Act to enable creditors to attach legacies and property in the hands of executors and administrators, and for other purposes," shall be subject to be attached and levied upon in satisfaction of any judgment in the same manner as debts due are made subject to execution by the twenty-second section of the act of sixteenth June, eighteen hundred and thirty-six, entitled "An Act relating to executions:" *Provided*, That the plaintiff in said judgment shall tender to the garnishee or garnishees, if he or they be^{Proviso} executors or administrators, a bond with sufficient security, as is provided by the second section of said act of twenty-

seventh of July, eighteen hundred and forty-two; and the same rights in all respects which the debtor may have, and no greater in any respect whatever are hereby placed within the power of the attaching creditor.

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

B. CRISPIN,
Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 114.]

AN ACT

To authorize the Commissioners of Philadelphia county to borrow money.

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 county board of Philadelphia county is hereby authorized to direct the commissioners of said county to borrow, on the credit of the county, a sum not exceeding sixty thousand dollars, for a period not exceeding twelve months, in anticipation of the revenue of one thousand eight hundred and forty-three.

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

B. CRISPIN,
Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.