

When they or any four agree on damages, to report to court for approval Commissioners to draw on treasurer for amount.

Advantages of road to be considered.

Oath of viewers.

To be filed.

Same proceedings authorised in the case of D. Sink.

and any four of them shall agree as to the amount of damages sustained, the said viewers so agreeing, shall make a report of their proceedings to the next court of quarter sessions of Berks county, and if the said court shall approve of the same, the commissioners of the said county shall draw their warrant on the treasurer of the same county, in favor of Jacob S. Spang, for the amount so awarded to him; but if the viewers shall neglect to perform the duties required of them, or if the said court shall disapprove of their report, they shall as often as the case may require, appoint other viewers, who shall proceed therein in manner aforesaid; and it shall be the duty of the said viewers, in assessing damages, to take into consideration the advantages derived by said Jacob S. Spang, from said road passing through his land; and before entering on the duties herein prescribed, they shall take and subscribe an oath or affirmation before some judge or justice of the peace, faithfully and impartially to perform the same, which oath or affirmation, so taken and subscribed, shall accompany their proceedings and be filed in the office of the clerk of the court of quarter sessions of Berks county.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the same proceedings as are authorised by the first section of this act, are hereby extended to and may be had by David Sink, of the township of Robison, in said county of Berks, for damages alleged to have been sustained by a certain state road opened through his land, leading from Waynesburg, in Chester county, to Birdsborough, in Berks county,

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 62.

AN ACT

Enabling Eliza Gardiner to execute certain powers without the intervention of her present husband.

SECT. 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 Eliza Gardiner, now the wife of John Gardiner; late Eliza Hamilton, widow and executrix of Andrew Ham-

ilton, deceased, shall, notwithstanding her coverture, have power and authority from time to time, and at all times, without the joinder or intervention of her husband, by herself or by such attorney or attorneys as she has before or during her present coverture appointed, or as she may hereafter appoint, to sell and convey, in fee simple, either for cash or on credit, such part or parts of the real estate of the said Andrew, as she may deem expedient, which by his last will and testament, the executors are authorised to dispose of and to convey the same in fee simple, to the purchaser and his heirs: *Provided*, That all rents reserved on any sales of the said estate, shall be reserved, payable to the said Eliza and her heirs, in trust for the uses and purposes in and by the last will and testament of the said Andrew declared, of and concerning his estate: *And provided also*, That in all cases where sales or dispositions are made reserving a ground rent or ground rents, so much of the rent reserved as shall be equal to one half the entire consideration shall be irredeemable until Mary Ann Hamilton, daughter of the said Andrew Hamilton, deceased, shall have arrived at the age of twenty-one years; or if sooner redeemable, shall not be redeemed without satisfactory security given in the orphans' court of Philadelphia county, that the redemption money shall be faithfully appropriated, according to the directions of the last will and testament of the said Andrew Hamilton, deceased: *And provided also*, That in cases where no rents shall be reserved, satisfactory security shall in like manner be given, to at least one half of the amount of the consideration, that the proceeds of sale shall be faithfully appropriated, according to the directions of the said last will and testament.

E. Gardiner may sell and convey estate of late A. Hamilton.

Proviso. Reserved rents payable to her in trust.

2d proviso. Redemption of reserved ground rents restricted.

3d proviso. Security to be given for certain appropriation of half of proceeds of sales.

SECT. 2 *And be it further enacted by the authority aforesaid*. That the offices of executrix of the last will and testament of the said Andrew Hamilton, and of testamentary guardian of his infant daughter, therein named, shall be held and exercised, by the said Eliza Gardiner in all respects and for every intent and purpose, as if she had continued sole and unmarried, without the participation or intervention of her present husband therein, and without his joinder in any suit, action, demand, recovery, execution, distress, entry, receipt, settlement, adjustment, acquittance, discharge, or other act, matter or thing which she may do or cause to be done in or about the premises.

Powers as executrix and guardian to remain same as if unmarried.

FREDK. SMITH,
Speaker of the House of Representatives.
 WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-one.
 GEO. WOLF.