

SECT. 39. *And be it further enacted by the authority aforesaid,* That the commissioners of Southwark be and they are hereby authorized to collect from owners of property on the west side of Passyunk road, between Cedar-street and the scite of the new county prison and debtors' apartment, one half the expense which may be incurred by said district, in laying pipes for the introduction of Schuylkill water, and one half the expense of paving said Passyunk road from Federal-street to the southern boundary of said district of Southwark, in like manner as debts of like nature are now or may be by law recoverable from owners of property in said district of Southwark.

Duty of the commissioners of Southwark rel. to collection of funds for laying water pipes and paving Passyunk road.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The third day of May, A. D. one thousand eight hundred and thirty-two.

GEO. WOLF.

No. 174.

AN ACT

Relative to certain real estates.

WHEREAS, John Cook, late of the city of Philadelphia, deceased, and Israel Maule, late of Penn township, in the county of Philadelphia, were in their life time seized in fee simple, as tenants in common of equal moieties of a certain lot of ground situated on the south side of Callowhill street, and east side of John street, in the district of Spring Garden, in the county of Philadelphia, beginning at the southeast corner of said Callowhill street and John street; thence extending eastward along the said Callowhill street one hundred and fifty-three feet seven inches to ground of Patrick Scully; thence southward by the said Patrick Scully's ground eighty-two feet four inches to a four feet wide alley leading into Sixth street; thence westward in a line parallel with and at the distance of eighty-two feet four inches from the south side of the said Callowhill street sixty-eight feet; thence further southward along a three feet wide alley thirty-nine feet four inches to Daniel Smith's ground; thence westward by the

Preamble relative to a lot on Callowhill st. Phila. the joint property of John Cook and Israel Maule.

same ground eighty-five feet seven inches to John street aforesaid; thence northward along the said John street one hundred and twenty-one feet eight inches to the place of beginning, with the privileges and appurtenances, being ground granted by James Whitehead and James Gowen by deed recorded in the recorder's office at Philadelphia, in deed book M. R. number twenty-one, page three hundred and fifty-three, &c. *And whereas*, the said John Cooke, in and by his last will and testament, duly proved in the register's office of the county of Philadelphia, devised his undivided moiety of the said lot of ground in certain portions specified in the said will to his four children, John Cooke, Charles Cooke, Mary E. wife of Morris Longstreth, and Lydia Cooke; and the said Israel Maule, in and by his last will and testament, duly proved in said register's office, devised all the residue of his estate (including his undivided moiety in the said lot of ground) to his wife Ann Maule for life, if she should so long remain unmarried, with remainder to such of his children as should be living at the termination of the said life estate, and the issue of such as should be then dead, as by the respective wills and testaments aforesaid by reference of the same will more particularly appear: *And whereas*, by reason of the said devisees partition of the said lot of ground among the parties entitled thereto cannot be effected by the existing laws of this commonwealth to the great detriment of the said parties as it has been represented to us, for remedy whereof,

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 it shall and may be lawful for the devisees aforesaid of the said John Cooke and Israel Maule, who are of full age, and the guardians of those who are minors, or any of them, to make application by petition to the Orphan's court of the county of Philadelphia, praying the said court to award an inquest in the manner now authorized by the laws of this commonwealth, relating to partition in the said court, under which appointment the said inquest shall assign and set out in severalty to the said John Cooke, Charles Cooke, Mary E. Longstreth and Lydia Cooke, devisees as aforesaid of John Cooke, the shares and proportions to them respectively belonging in the said lot of ground, and to the said Ann Maule the share belonging to the devisees and representatives of the said Israel Maule, which said partition, so affected, shall upon the return thereof and approval by the said court, (due notice of the time and place of holding the same having been given,) be binding and conclusive forever upon the said devisees of the said John Cooke and their heirs and representatives, and upon the devisees, heirs and

Orphans court
to award in-
quest to assign
to devisees of
Cooke and
Maule, res-
pective
shares.

representatives of the said Israel Maule, in possession, remainder and reversion.

SECT. 2. *And be it further enacted by the authority aforesaid,* That William Eckert, guardian of the person and estate of Maria Louisa Pretz, a minor daughter of Godfrey Pretz, late of the borough of Northampton, Lehigh county, deceased, be and he is hereby authorized and empowered to convey to Christian Bloss, all the right, title and interest of the said minor, of and in a certain tract of land, situate in Heidelberg township, in said county of Lehigh, adjoining lands of Stephen Balliet and late Samuel Helfrich, Simon Schneider and others, and containing sixty four acres and one hundred and thirty-five perches or thereabouts in fee simple by deed, and with the same effect as if the said Maria Louiza Pretz were of full age, and had conveyed the same: *Provided,* That before the said William Eckert, guardian of said Maria Louisa Pretz, shall convey as aforesaid to said Christian Bloss, he the said William Eckert shall give bond in such sum, and with such sureties as the Orphan's court of said county of Lehigh shall direct, conditioned for the faithful discharge of his duty as guardian as aforesaid, and the proper application of the purchase money coming to his said ward, which proceedings shall be approved of by said court.

W. Eckert,
guardian of
M. L. Pretz,
a minor, au-
thorized to
convey certain
property in.
Lehigh co.

Proviso.
Surety to Or-
phan's court.

SECT. 3. *And be it further enacted by the authority aforesaid,* That Richard Willing, guardian of his minor children, Henry, Ellen, Caroline, Elizabeth and Edward Shuppen Willing, shall have power and authority during the minority of all or any of his said wards, from time to time to sell either for cash or on credit, and convey to the purchasers and their heirs in fee simple, the whole or any part or parts of the real estate of the said minors situate in the counties of Crawford and Mercer, in this commonwealth, whether held in possession or in expectancy, in severalty or in common with any other or others, and also to make executory contracts for the sale and disposal thereof upon such terms as shall be agreed on with the purchasers: and also, in his name, as guardian, by himself or by attorney, to make and execute all or any such deeds and assurances for completing such sales or making or carrying into effect such contracts as the said minors themselves, any or either of them, if of full age, might make or execute: and also to give receipts for the purchase money, which shall fully acquit and discharge the persons paying the same.

R. Willing,
guardian of
his minor
children au-
thorized to
sell, &c. pro-
perty in
Crawford and
Mercer coun-
ties.

SECT. 4. *And be it further enacted by the authority aforesaid,* That upon the payment of the usual fees, without requiring the ordinary proof of settlement and improvement, the Secretary of the Land Office is hereby authorized to issue patents to Sarah W. Catnach, for any all of five tracts of land in Cunningham's district, Butler county,

Secretary of
land office au-
thorized to
issue patents
for 5 tracts of
land to S. W.
Catnach.

Proviso.

warranted in the names of George Sawman, Frederick Hubley, Hugh Ogden, Thomas Denton and William Wistar, the right in which warrants by sundry good conveyances has become vested in the said Sarah W. Catnach: *Provided*, That nothing in this act shall affect the rights of third persons.

Preamble
relative to the
estate of
Samuel Hood,
in Delaware
county.

WHEREAS, it has been represented to the legislature that Samuel Hood, being the owner in fee simple of a plantation in the county of Delaware, did, on the twenty-first day of December, one thousand seven hundred and thirty-two, make his last will and testament, and did therein devise the same to his daughter Mary Clark, to her and her heirs forever, or on default of such heirs, to descend to her two sisters Martha and Elizabeth, or their heirs, which said Martha and Elizabeth are deceased, intestate, and without issue, and the lineal descendants of the said Mary Clark have ever since continued to enjoy and possess the same as and for an estate in fee simple: *And whereas*, certain proceedings in partition were instituted in the court of Common Pleas for Delaware county, wherein all the lineal descendants of the said Mary Clark were parties, to wit: Mary Levis, her grand-daughter and Clement Levis her husband, Phoebe Williams her grand-daughter and Ambrose Williams her husband, and Jacob Habbersett, the guardian of Eliza Done and Lydia Ann Done, minors, and the sole children of Done, the other only grand daughter deceased; and the plantation not being capable of division, was ordered by the court to be sold at public sale, according to the acts of assembly regulating partitions, and the same was sold at public sale by the sheriff, for the sum of five thousand five hundred and ninety-five dollars and forty-five cents, to Reese W. Flower, which purchase money has been paid to the said Clement Levis and wife, Ambrose Williams and wife, and to Jacob Habbersett, the guardian of the said minor children, by the said Reese W. Flower, in equal portions to each, and the sale has been confirmed by the court, and the deed by the sheriff, dated on the twenty-ninth day of November, one thousand eight hundred and thirty-one, for the premises, has been executed to the said purchaser, Reese, W. Flower; all which proceedings were held by the parties thereto, under the belief that they were entitled to the said plantation as the heirs of Mary Clark, in fee simple; but since the said sale, confirmation and deed, on legal advice being had on the will of the said Samuel Hood, it has been ascertained that the estate which was vested in the said parties, in partition, was not an estate in fee simple but an estate in fee tail; and the parties having received the full purchase money in equal portions, and desirous of doing justice to the purchaser and confirming his title to the premises, as far as in them lie, have since, to wit:

on the first day of March, one thousand eight hundred and thirty two, executed a deed for the said premises to the purchaser, under the act of assembly for the barring of estates tail, but doubts have arisen as to the power of a guardian to execute a deed under said act of assembly, barring an estate tail, and it is just and proper that the title to the said premises should be confirmed to the said purchaser: Now Therefore,

SECT. 5. *And be it further enacted by the authority aforesaid,* That all the estate in tail or in fee simple, right, title, interest, claim and demand, legal or equitable, of the said Mary Levis and her husband Clement Levis, Phoebe Williams and her husband Ambrose Williams, and Eliza Done and Lydia Ann Done, grand-children and great grand-children of the said Mary Clark, to the premises and real estate devised as aforementioned to the said Mary Clark, be and the same is hereby declared to be vested in the said Reese W. Flower, his heirs and assigns forever, and that the deed from the said Clement Levis and wife, Ambrose Williams and wife, and Jacob Habbersett, guardian of the said Eliza Done and Lydia Ann Done, be and the same hereby is declared to be good and sufficient to pass all the said estate of the said parties legal and equitable to the purchaser, and to bar the estate tail of the said Mary, Phoebe, Eliza and Lydia Ann, to all intents and purposes.

Interest, title, &c. of certain descendants of Mary Clark to said estate vested in R. W. Flower.

Deed made valid, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That Eleazer Carey, of the county of Luzerne, be and he is hereby authorized to sell and convey all or any part of the real estate to which his minor children are entitled, or may hereafter, during their minority, become entitled by the decease of their maternal relatives, and invest the proceeds thereof in some profitable fund for the sole use, benefit and advantage of the said minors; and the said Eleazer Carey is hereby authorized to execute a deed or deeds of conveyance, for the interest which said minors have or may hereafter have in all such estate as aforesaid: *Provided,* The same shall be approved by the Orphans' court of said county: *And provided also,* That the said sale shall not be valid until the proceeds aforesaid shall be invested in some productive fund as aforesaid, and the whole shall be submitted to and approved by the said court.

E. Carey, of Luzerne, may sell, &c. estate of his minor children.

Proviso. Approval of sale. 2d proviso. Investment of proceeds.

WHEREAS, Frederick Schlier, of Windsor township, Berks county, on the first day of March, eighteen hundred and twenty-five, made his last will and testament, which, since the death of the testator, has been duly proved and entered of record in the register's office of Berks county, by which he devised a certain tract of land in said township and county to his children, giving a life estate in part thereof to his wife: *And whereas,* the widow of the said Frederick Schlier, is since dead, and it is represented that the said

Preamble ref. to the estate of F. Schlier, of Berks co.

estate is in a state of waste and unproductive, and that there are certain grand children of the said Frederick Schlier in a state of minority, by reason of which the said property cannot be sold: Therefore,

SECT. 7. *And be it further enacted by the authority aforesaid,* That the guardian or guardians now appointed, or that may hereafter be appointed by the Orphans court of Berks county, over the persons and estates of the minor children of Jonas Tyson, by Elizabeth his wife, late Elizabeth Schlier, interested in the real estate of Frederick Schlier, late of Berks county, deceased, be and they are hereby authorized to sell all the right, title and interest of the said minors in and to a tract of land in Windsor township, Berks county, and to make and execute a deed of conveyance or assurance in the law for the same, to the purchaser or purchasers, which deed of conveyance or assurance in law, shall be as valid and effectual in law as if the said minors were of full age and had executed the same: *Provided,* That the said guardian or guardians, before he or they shall make sale of the said premises, shall enter into bond or recognizance, in such sum, and with such sufficient surety or sureties as the Orphans court of Berks county may direct, conditioned for the faithful performance of his or their duties, and the proper application of the proceeds of sale, according to law: *And provided also,* That the said sale shall not be valid until approved by the Orphans court aforesaid.

Guardians of minor children of Jonas Tyson authorized to sell, &c. interest in a certain tract of land.

Proviso. Sureties to Orphans court.

2d proviso. Approval of sale.

Adm'rs. of estate of Wm. White, authorized to sell, &c. part of a tract of land in Lycoming co.

Proviso. Surety to Orphans court of Centre co.

2d proviso. Approval of sale by Orphans court of Lycoming.

Trustees of P. Schrawder, of Northampton authorized to sell certain estate in Wayne and Luzerne.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the administrators of the estate that was of William White, late of Baldeagle township in the county of Centre, deceased, are hereby authorized to sell, and by a good and sufficient deed, to convey to the purchaser the one fourteenth part, or child's half share of a tract of land, containing one hundred acres, more or less, situated in Pine creek township, Lycoming county, late the estate of William Jackson, deceased: *Provided however,* That the said administrator, before the receipt of the purchase money, shall give bond, with good security, to the commonwealth, in double the amount of the purchase money, conditioned for the faithful application of the money, agreeably to the acts of assembly in such cases made and provided, the bond to be filed among the records of the Orphans court of Centre county, having first been approved of by the said court: *And provided also,* That the said sale shall have been first approved of by the Orphans court of Lycoming county.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the trustees named in the last will and testament of Philip Schrawder, late of the township of Smithfield, in the county of Northampton, and the survivors and survivor of them, or a majority of them, be, and they are hereby authorized and empowered to make sale on the best terms they can obtain, such parts of the real estate of said decas-

ed as lie in the counties of Wayne and Luzerne, and also such as lie elsewhere, and are unimproved or unproductive, and to convey the same to the purchaser or purchasers thereof; and it shall be the duty of the said trustee or trustees, to invest the nett proceeds of sale in some productive stock, or loan the same on good securities, which proceeds of sale so invested or loaned, with the profits or interest thereof, shall be held, applied and appropriated in the manner directed by the testator in relation to the said lands, and the rents, issues and profits thereof: *Provided*, That before executing title for any part of the said premises, the said trustee or trustees who shall act in virtue hereof, shall give security in such sum, and in such manner as the court of Common Pleas of the county of Northampton shall direct, for the faithful execution of the power hereby committed to them; and the said sale shall not be valid until approved of by said court.

Investment,
&c. of proceeds.Proviso.
Security to
Orphans et.

WHEREAS, the German Lutheran and the German Presbyterian congregations of Guilford township, in the county of Franklin, have for a long time held and occupied together, the church in said township called Solomon's Church, with the grave yard and land thereto belonging, containing about seventeen acres, more or less, the title to which, was vested in the trustees of the said Presbyterian congregation: *And whereas*, the said congregations being about to erect at their joint expense a new building for public worship, have agreed that the title of said premises shall be vested in both congregations, and for that purpose a deed has been executed by the trustees of the Presbyterian congregation, to the trustees of the Lutheran congregation afore said, which both congregations have desired to be confirmed: Therefore,

Preamble rel.
to Solomons
church in
Guilford,
Franklin co.

SECT. 10. *And be it further enacted by the authority aforesaid*, That the deed executed by Jacob Snider and John Hosler, trustees of the German Presbyterian congregation of Guilford township, in the county of Franklin, to John Tritle and John Essick, trustees of the German Lutheran congregation of the same township, dated the twentieth day of January, in the year one thousand eight hundred and thirty two, is hereby confirmed and declared to be valid and effectual for the purposes therein mentioned, and the estate and right in the premises therein described are hereby vested in the trustees and members of the said two congregations, as tenants in common, for all the purposes in the said deed set forth.

Certain deed
made valid,
and title vested
in the two
congregations.

SECT. 11. *And be it further enacted by the authority aforesaid*, That James Banks, of Mercer county, guardian of John and Hannah Elder, minor children of William Elder, deceased, be and he is hereby authorized and empowered to

Guardian of
minor chil-
dren of Wm.
Elder author-
ized to sell
&c. certain
property in
Mercer co.

Investment of
proceeds.

Guardian to
give security.

This act not
to impair
rights of
others.

Guardian of
children of
Arthur Hook
authorized to
sell certain
land in
Greene co.
To invest pro-
ceeds.

make sale of the whole of such parts of such tracts or lots of land in Mercer county, as the aforesaid William Elder, in his life time, may have purchased at treasurer's sale for taxes, and to make a deed or deeds in due form of law for the same, or to make such compromise and agreements with other claimants, as to him may seem most advisable; and he, the said James Banks, shall place the proceeds arising from the said lands in some productive fund for the use and benefit of the said John and Hannah Elder: *Provided*, That the said James Banks, before he shall proceed to sell any part of the said lands, shall, with sufficient surety, enter into recognizance for the faithful execution of the trust hereby given: *And provided also*, That nothing herein contained shall affect or impair the right of any other person or persons, or of this commonwealth, in or to any part of the lands mentioned or intended to be mentioned herein, but that the right and title of all such other persons and of this commonwealth shall remain of the same force and effect as if this act had not been made.

SECT. 12. *And be it further enacted by the authority aforesaid*, That George Kent, guardian of the children of Arthur Hook, deceased, be and he is hereby authorized to sell and convey, by a good and lawful deed in fee, for the best price he can obtain, a certain lot of land containing about forty acres, situate in Morgan township, Greene county, adjoining lands late of Jacob Rhinehart, David Thomas and others, and the proceeds of said sale the said guardian is hereby authorized to put to interest for the benefit of the children as they arrive at twenty-one years of age respectively.

JOHN LAPORTE,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini, eighteen hundred and thirty-two.

GEO. WOLF.

No. 175.

AN ACT

To authorize the laying out of a state road in Lancaster and Berks counties, and for other purposes.

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 William Hiester, Samuel O. Jacobs of Lancaster county, and Doctor Jonas Rothrock and David Lud-