

No. 67.

An Act

To confirm and render valid the proceedings of the District court for the city and county of Philadelphia, in actions of partition heretofore instituted in the said court, and to make good and valid certain acknowledgments of Sheriff's deeds, and for other purposes.

Judgments
in certain ca-
ses made
valid.

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 in all actions of partition in cases of intestate's estates, which have heretofore been instituted in the District court for the city and county of Philadelphia, where judgments quod partitio fiat have been entered, all the proceedings therein shall be considered and taken as valid and effectual, as if the said court had had jurisdiction of the same; and in all such cases where further proceedings are necessary, that the said court shall have full power and authority to complete the same, by sale, partition or otherwise, as fully and effectually as any other court may by law do.

Power of
District
court.

Former ac-
knowledge-
ments of she-
riff's deeds
made valid.

SECTION 2. That all Sheriff's deeds acknowledged in open court prior to the first day of December last, in conformity with the laws and usages which were in force immediately preceding the passage of the act of assembly entitled "An act relating to Executions," passed the sixteenth day of June last, shall be, and are hereby declared to be as good, valid and effectual, as if they had been made in conformity with the provisions of the said last act of assembly.

Preamble re-
lative to sale
of certain
real estate of
Thos. Will-
ing, late of
Phil'a. Dec.,
in trust, &c.

WHEREAS, Thomas Willing, late of the city of Philadelphia, by indenture duly executed, on the tenth day of June, one thousand seven hundred and ninety-six, and recorded on the twenty-second day of July, one thousand eight hundred and one, in the office for the recording of deeds of the city and county of Philadelphia, in deed book E. F., page two hundred and forty-four, &c., did grant and convey to George Willing twelve several ground rents or rent charges in the city of Philadelphia, in trust for Abigail Willing, now Abigail Willing Peters, wife of Richard Peters, during her natural life, and after her decease to such child or children of the said Abigail as may be then living, and as shall arrive at the age of twenty-one years, their heirs and assigns, forever; and in case the said Abigail shall

die without bearing such children, and in case such child or children shall die in his, her, or their minority, then in trust for others, as set forth in the said deed; *And whereas*, the said George Willing died after the execution of the said deed of trust; *And whereas*, Clement C. Biddle was by the Supreme court of Pennsylvania, at December term, one thousand eight hundred and thirty-six, of the said court, appointed trustee in the room of the said George Willing, deceased; *And whereas*, the said Abigail Willing Peters, Richard Peters, and the said Clement C. Biddle, have represented in their petition that it will be conducive to the best interests of the ces tui qui trusts under the said deed, from Thomas Willing, that the said ground rents or rent charges shall be sold or released, and the proceeds thereof invested more profitably for all concerned; Therefore,

SECTION 3. The said Clement C. Biddle, and his successor in the trust, be, and he is hereby authorized to sell, at public or private sale, the before mentioned ground rents or rent charges, or any one or more of them, to such purchaser or purchasers as are willing to pay the highest and best price for the same, and to execute and deliver such deed or deeds of conveyance, assurance or release for the same, as shall be sufficient in law to transfer the interest of the said ces tui qui trusts in the same, and to invest the proceeds thereof in the stocks of such public or private corporations, or in such real securities as to the said Clement C. Biddle, or his successor in the said trust, may seem proper, the same to be held to the same uses, and in the same trusts as those stated in the said deed from the said Thomas Willing, executed as aforesaid, on the tenth day of June, one thousand seven hundred and ninety-six: *Provided* however, That before such sale shall take place, the said trustees shall give such security as the Orphans' court of the city and county of Philadelphia shall require, and that the future investments of the proceeds of such sale shall be approved of by said court.

Clement C. Biddle and his successors in trust, authorized to sell, &c.

Proviso.

WHEREAS, Sidney Gregg, widow of Isaac Gregg, late of the county of Allegheny, and under the providence of God a lunatic, and O. Ormsby Gregg, Issac Gregg, Sarah E. Gregg, and Sidney J. Robinson, formerly Sidney J. Gregg, children of the said Isaac and Sidney Gregg, and heirs at law of the said Isaac Gregg, are seized of certain lots of ground adjoining the borough of Birmingham, in the county of Allegheny, which said lots of ground are at present unimproved and unproductive; *And whereas*, Neville B. Craig has been duly constituted the committee of the person and estate of the said lunatic; *And whereas*, the said Neville B.

Preamble relative to the sale of certain real estate of Isaac Gregg, late of Allegheny county.

Craig and the above named children of the said Isaac and Sidney Gregg, all above the age of twenty-one years, unite in representing that the sale, and the investment of the proceeds of the sale of the said estate, would promote the interests of all concerned; Therefore,

Neville B. Craig, com. and others, authorized to sell certain lots in Birmingham, Allegheny county.

SECTION 4. The said Neville B. Craig, committee as aforesaid, O. Ormsby Gregg, Isaac Gregg, Sarah E. Gregg, John G. B. Robinson and Sidney J. his wife, be, and the same are hereby authorized to sell, at public or private sale, and, by deed or deeds of assurance, to convey all their estate, right, title and interest of, in, and to certain lots of ground, or any of said lots, situate in the township of St. Clair, and adjoining the borough of Birmingham, in the county of Allegheny, and known and designated in a certain plot of lots recorded in the office for recording of deeds in and for the said county of Allegheny: *Provided always, however,* That one half of the purchase money arising from the sale of any or all of said lots, shall be and remain charged or secured by mortgage, during the life time of said lunatic, upon the lot or lots thus sold, the interest upon the same to be paid semi-annually, the balance of the purchase money to be distributed as follows: one-third thereof to be paid into the hands of said committee, and the remaining two-thirds to be divided equally among the before named children of said lunatic: *And provided also,* That such sale or sales of lots shall be approved by the Orphans' court of the said county of Allegheny, the said court being further authorized to require any additional security to that now authorized by law, from said committee, for the faithful application of the funds that may come to the hands of said committee.

Proviso.

2d Proviso.

Juniata county court.

SECTION 5. From and after the passage of this act, no *venire* shall issue in the court of Juniata, for the summoning of a petit jury for the September term of said court, unless otherwise specially enacted by the said court.

Prot'y. of Dist'ct. c't. for Phil'a. city and co. entitled to certain fees.

SECTION 6. From and after the passage of this act, the prothonotary of the District court for the city and county of Philadelphia, shall be entitled to receive on all sums of money paid into court, a commission of one cent for every dollar not exceeding three hundred dollars, and one-half cent for every dollar above that sum.

Fee of 50 cents to be taxed in bill of costs.

SECTION 7. The prothonotary of said court shall also be entitled to receive for entering judgment, for want of an affidavit of defence, under the act of the twenty-eighth day of March, eighteen hundred and thirty five, entitled "An act to establish the District court for the city and county of Philadelphia," a fee of fifty cents, to be taxed in the bill of

costs of each suit wherein such judgment shall be rendered.

SECTION 8. The town of Williamsport, in the county of Washington, shall hereafter be called by the name of Monongahela city, and the corporate name and title shall hereafter be "The Burgess and Town Council of Monongahela city," and so much of the act approved the eighth day of April, Anno Domini, one thousand eight hundred and thirty-three, incorporating said borough, as is inconsistent herewith, be, and the same is hereby repealed: *Provided how- ever*, this act shall not be construed to effect in any way any legal proceeding that may now be pending, wherein said borough is a party, and every contract heretofore made by the said borough, in the corporate name hereby changed, shall be received in evidence in all legal proceedings, provided it is otherwise competent.

SECTION 9. So much of the act of the third of May, one thousand eight hundred and thirty two, entitled "An act relative to certain state roads, and declaring certain creeks highways, and for other purposes," as relates to the appropriation of road taxes in the township of Monroe, in the county of Luzerne, be, and the same is hereby repealed, and the money referred to in said bill, shall be paid to the supervisors of said township, upon the order of the commissioners of said county, to be appropriated under the provisions of the general laws of this commonwealth in such case made and provided.

SECTION 10. So much of the sections eighty-seven, eighty-eight, eighty-nine, ninety-three, ninety-five, ninety-six, ninety-seven, ninety-eight, and ninety-nine, of the law passed eighteen hundred thirty-four and thirty-five, as relates to the inspection of butter and hog's lard, be, and the same is hereby repealed, so far as relates to the size of the tub or keg containing the same: *Provided*, the same should not exceed in size to hold the weight of more than five hundred pounds: Nothing in the act of fifteenth April, eighteen hundred and thirty five, entitled "An act relating to Inspectors," or in any other act, shall be construed to forbid the exportation of lumber and staves of an inferior quality, from the port of Philadelphia: *Provided*, the same shall first have been inspected by the proper inspector, and the quality thereof shall be clearly described in the shipper's manifest, and in the clearance at the Custom House, according to the inspector's report of its quality.

SECTION 11. The Auditor General be, and he is hereby authorized to demand and receive the following fees, to be

accounted for and paid by him into the state treasury, quarterly: for every search, where no other service is performed, to which any fee is attached, twelve and one-half cents; for copy of an account, for every item one cent; for copy of any entry, or paper filed, or any part thereof, for every ten words or figures one cent, for certificate and seal fifty cents: *Provided*, That each person settling an account in said office, shall be entitled to a certified copy of said account without fee, as heretofore.

Preamble relative to the settlement of the affairs of the 5th ward, of Pittsburg. WHEREAS, an act of assembly was passed at the present session of the legislature, and approved on the first day of March, eighteen hundred and thirty-seven, entitled "An act supplementary to an act entitled 'An act to incorporate the city of Pittsburg;'" whereby the borough of the Northern Liberties of Pittsburg was united with the city of Pittsburg, and constituted the fifth ward thereof, and it was omitted therein to provide for the settlement and final arrangement of the affairs of said borough; Therefore,

Rights, credits, &c. of the Northern Liberties of Pittsburg, vested in city of Pittsburg. SECTION 12. All the rights, credits and effects, and all the estate, real and personal, of the borough of the Northern Liberties of Pittsburg, be, and the same are hereby declared to be vested in the city of Pittsburg, the said real estate to be had and held by the said city of Pittsburg, for the same uses and purposes as the same is now held by the said borough, and the said borough is hereby authorized to assign and transfer to the said city, all the said rights, credits and effects, and all the said real and personal estate, and any assignment and transfer thereof made before the passage of this act, is hereby confirmed, and the said city shall have authority to sue, and be liable to be sued, in its own corporate name, for all debts due to or by the said borough, and on all contracts made by or with it, as fully as if the said debts had originally been due to or by the said city, or the said contracts originally made with it.

Powers of the city to sue and be sued.

Powers of city to finish business already begun. SECTION 13. All the rights, privileges, powers and authorities of the borough of the Northern Liberties of Pittsburg, are hereby vested in the city of Pittsburg, so far as the same are necessary to finish the business already begun by the said borough, to complete contracts already entered into, and to wind up the affairs of the said borough.

Election of overseers of the poor. SECTION 14. From and after the passage of this act, the select and common councils of the city of Pittsburg shall, and they are hereby authorized to fix the time and place, or places, of holding elections for overseers of the poor for said city, and so much of any act or acts of assembly as is hereby altered or supplied, is hereby repealed.

SECTION 15. The sum to be expended in the opening of a

street from the state capitol to the canal, in or near the Street from
borough of Harrisburg, in pursuance of the enactments and State Capitol
resolutions heretofore passed on the subject, shall not ex-to canal.
ceed four thousand dollars.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one
thousand eight hundred and thirty-seven.

JOS: RITNER.

No. 68.

An Act

To incorporate the Washington and Pittsburg 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 Daniel Moore, William Hunter, Alexander Reed, James Ruple, John K. Wilson, John H. Ewing, John Cook, John Dagg, Doctor John Wishart, William Smith, Doctor Samuel Murdock, Robert Officer, John Watson, Daniel Huston, Joshua Emery, and Samuel Hazlet, of the county of Washington, Alexander McKee, Henry Ingram, Charles Shaler, James Henry, William Lea, John Ross, Robert C. McFarland, Robert Snodgrass, William Byrne, Alexander Carnahan, Jeremiah Dunlavy, Caleb Forster, John McDowell, Andrew Murphy, James Findlay, Samuel P. Darlington, William Graham, Jr., and Rees C. Townsend, of the county of Allegheny, or any two of them, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of December next, procure three books, one of which shall be opened at a public house in Washington, Washington county, and one at a public house in the borough of Cannonsburg, in said county, and one at a public house in the city of Pittsburg, in each of which they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president*

Commission-
ers.

Where books
shall be open-
ed.