

annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-eight.

Gratuities to SECTION 3. The State Treasurer is hereby authorized and Geo. Yerkes required to pay to George Yerkes of Montgomery county, & Eve Oery, and Simon Ruffner of Westmoreland county, a gratuity of forty dollars each, in full for their services in the Revolutionary war, and to Eve Oery of Westmoreland county, a gratuity of one hundred dollars, in full for her services during the Indian war; the foregoing gratuities and annuities to be paid in conformity with the existing laws.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,

Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini, one thousand eight hundred and thirty-eight.

JOS. RITNER.

—•••••

No. 32.

An Act

To empower the court of Common Pleas for the city and county of Philadelphia to appoint assignees or trustees in the place of the deceased assignees or trustees of John Vaughan, and for other purposes.

Preamble. WHEREAS, John Vaughan of the city of Philadelphia, by indenture of assignment, dated the thirty-first day of August, Anno Domini, one thousand seven hundred and ninety-eight, conveyed all his estate, real and personal, to Thomas Fitzsimmons, Robert Bird, and John Miller, junior, for the benefit of creditors: *And whereas*, Thomas Fitzsimmons and John Miller, junior, two of the said assignees are 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 court of Common Pleas for the city and county of Philadelphia, shall have power to appoint new assignees or trustees in the place of the deceased assignees or trustees of John Vaughan, upon application by petition to the said court of Common Pleas for the city and

Appoint-
ment of new
assignees or
trustees of
J. Vaughan.

county of Philadelphia, and the assignees or trustees so appointed by the said court, as aforesaid, shall be liable to the same duties and shall have the same powers and authorities in relation to the trust and to the further execution of Their pow- the same, and shall be subject to the jurisdiction and control ers & duties. of the court, in the same manner, to all intents and purposes, as the surviving assignee or trustee, and as if they had been originally appointed under the instrument executed by the said Vaughan on the thirty-first day of August, Anno Domini 1798.

SECTION 2. When the trustee or trustees of any estate shall reside out of this Commonwealth, and any part of the trust, estate, property or fund is situated within this state, it shall be lawful for the courts heretofore invested by law with power to appoint trustees on the petition of any of the parties interested in said trust property, to appoint one or more trustees resident within this Commonwealth, to act in conjunction with said foreign trustee or trustees in the management and disposition of said trust, and the said court shall have the same power over said trustee or trustees so appointed that is already given in other cases of trust.

SECTION 3. From and after the passage of this act, the ministers, trustees, elders and deacons of the German Reformed Congregation in Germantown, in the county of Philadelphia and state of Pennsylvania, be, and they are hereby authorized to sell and convey all that certain lot or piece of ground, situate on Church Lane, in Germantown, in the county of Philadelphia, commencing at the junction of a certain lot, (authorized to be sold by an act of assembly, entitled An act to enable John Christ to exchange certain real estate and for other purposes, passed the eighth day of April, Anno Domini eighteen hundred and thirty-three,) and said church, thence north forty-seven degrees, west ninety-two feet, thence north forty-one degrees, east fifty-four feet, thence south forty-seven degrees, east thirty-five feet, thence north forty-one degrees, east one hundred and thirty feet, thence south forty-seven degrees, east sixty-eight feet, thence by the courses of said Church Lane one hundred and eighty-five feet to the place of beginning; and the trustees, elders and deacons of the congregation aforesaid, are hereby authorized to sell and convey the same at public or private sale, as shall be most advisable, and shall make good and sufficient deed or deeds to the purchaser or purchasers thereof, the proceeds to be applied to the extinguishment of certain obligations of said congregation.

Powers of the courts relative to trustees of estates, in certain cases.

The ministers, trustees, elders, & deacons of the German Reformed Cong'n in Germantown, Philada. co.

How proceeds of sale to be applied.

The signature of the minister of said congregation to conveyances rendered unnecessary.

SECTION 4. That so much of an act entitled An act to enable John Christ to exchange certain real estate, and for other purposes, passed the eighth day of April, Anno Domini eighteen hundred and thirty-three, as relates to the ministers, trustees, elders and deacons of the German Reformed congregation of Germantown, in the county of Philadelphia and state of Pennsylvania, as requires the signature of the minister of said congregation to a certain conveyance therein authorized, or may require it to any future conveyance or conveyances, which by the foregoing section of this act they may be authorized to make, be, and the same is hereby repealed, and all the powers thereby vested in the minister, trustees, elders and deacons of said congregation, be and the same are hereby vested in the trustees, elders and deacons aforesaid.

Of marriages & baptisms.

SECTION 5. That baptisms and marriages which have been or may be solemnized by any bishop within this state, may be entered by him on the register of any church of which the said bishop has the supervision, and the same when entered on the said register shall have the same legal effect and operation as if the said marriage or baptism had been solemnized by a clergyman having charge of the said church, and been by him entered on the register thereof.

Preamble relative to ground rents of Christ & St. Peter's Churches in Philada.

Whereas, the rector, church-wardens, and vestry-men of Christ Church, in the city of Philadelphia, and the rector, church-wardens and vestry-men of St. Peter's Church, in the city of Philadelphia, are now the owners of a certain ground rent of two hundred and sixty-six dollars and two-thirds of a dollar, issuing out of a lot of ground in the city of Philadelphia, situate on the north side of Spruce street, being the south side of the square, between Fourth and Fifth street from the river Delaware, containing in front or breadth on Fourth and Fifth streets respectively, one hundred and two feet, and in length or front on Spruce street three hundred and ninety-six feet, (originally reserved by indenture made the second day of August, Anno Domini seventeen hundred and seventy-one, between the rector, church-wardens and vestry-men of the then united Episcopal churches of Christ church and St. Peter's church in the city of Philadelphia, recorded at Philadelphia in deed book I. volume nine, page five hundred and thirty, &c.,) which ground rent is now held by the said churches in the proportion of three-fifth parts to the said Christ church, and two-fifth parts to the said St. Peter's church. And whereas, it has been represented by the said rector, church-wardens and vestry-men of the said churches, that the interest of the said churches would be promoted by the sale or extinguishment of the said ground rent, and the investment of the monies arising

therefrom in some other manner, for the same uses and purposes as those for which the said rent was originally reserved; Therefore,

SECTION 6. That the said rector, church-wardens and vestry-men of Christ church, in the city of Philadelphia, and the said rector, church-wardens and vestry-men of St. Peter's church, in the city of Philadelphia, be authorized and empowered, and they are hereby authorized and empowered, to sell, grant, convey or forever extinguish the ground rent aforesaid, for the best price or sum of money that can be obtained therefor, and for that purpose to make and execute all necessary deeds and assurances in the law to the person or persons purchasing the same, and that the money paid on such sale or extinguishment be received by the said churches of Christ church and St. Peter's respectively, in the same shares and proportions in which the said ground rent was held by them as aforesaid, to be invested in some safe security, under the direction of the court of Common Pleas at the city and county of Philadelphia, and the interest or income thereof applied by them respectively to the same uses and purposes as those for which the said ground rent was originally reserved.

SECTION 7. That it shall be lawful for the rector, wardens and vestry-men of the Trinity church of Oxford township, Philadelphia county, Pennsylvania, to invest the proceeds of the sale of any of the property of the said church, according to the provisions of the act of the twenty-first March, 1818, to the hundred and thirty-five, for erecting Trinity church, Saints' church and Saint Thomas' church into three separate corporations, either in real estate, mortgage, or ground rent, as they may deem advisable.

SECTION 8. That from and after the passage of this act, the trustees of the First Baptist church and society of the borough of Erie, Pennsylvania, be and they are hereby authorized to sell and convey a part of that certain lot or piece of ground situate on Peach street, in the borough of Erie, in the county of Erie, being numbered in the general plan of the in and out lots of said borough with the number two thousand five hundred and seventy-six (2576) beginning at the north-east corner of said lot, thence southwardly forty-one feet along Peach street, thence westerly at right angles eighty-two and one half feet, thence northwardly along the west line of said lot forty-one feet to the north-west corner, thence along the north line of said lot to the place of beginning, containing about one-fourth of said lot number two thousand five hundred and seventy-six, including the Parsonage house,

Application of proceeds. and the trustees of the First Baptist church and society of the borough of Erie aforesaid, are hereby authorized to sell and convey the same at public or private sale, as shall be most advisable, and shall make good and sufficient deed or deeds to the purchaser or purchasers thereof, the proceeds to be applied to the extinguishment of certain judgments against said church and society.

Executor of Daniel B. Wilcox, of Wayne co., dec. authorized to sell certain real estate.

SECTION 9. That Joseph B. Walton, and Catharine S. Wilcox, acting executors of the last will & testament of Daniel B. Wilcox, late of the borough of Honesdale, in the county of Wayne, deceased, or the survivor of them, are hereby authorized to sell at public or private sale¹ as to them, or the survivor of them, shall seem most conducive to the interest of said estate, all the real estate of said deceased situated in the said county of Wayne, or such part thereof as they or the survivor of them shall think advisable, and to convey the same, either in whole or in parcels, by deed, in fee simple, to the purchaser or purchasers thereof: *Provided*, That it shall be the duty of the said executors, or the survivor of them, to appropriate the proceeds of sale, agreeably to the provisions of the will of the said Daniel B. Wilcox, but that this proviso shall not be taken or construed to require that the purchaser or purchasers of any portion of said real estate shall be bound to look to the application or appropriation of the purchase money arising therefrom: *And provided further*, That before the execution of the deed or deeds for the premises aforesaid, the said executors, or the survivor of them, shall give bond, with such security as the Orphans' court of Wayne county will approve of, conditioned for the faithful application and distribution of the proceeds of sale, agreeably to the provisions contained in the last will and testament of the said Daniel B. Wilcox, deceased.

Proviso.

2d. Proviso.

Guardians of minor children of Geo. Drum, of Luzerne co., dec., authorized to sell certain real estate.

SECTION 10. That Philip Drum, Jacob Drumheller, and Susanna Drum, guardians of the minor children of George Drum, late of Luzerne county, deceased, or the survivor or survivors of them, be, and they are hereby authorized and empowered to sell at public or private sale, all the right, title, and interest of the minor children aforesaid, in and to a certain messuage and lot of land, situate in the township of Sugar Loaf, in the county of Luzerne, containing four hundred and forty-two acres and one hundred and thirty perches, and to make and execute a deed or deeds therefor, in fee simple, to the purchaser or purchasers thereof: *Provided however*, before any such deed or deeds shall be valid, the guardians shall give bond, in such sum, and with such security as may be approved by the Orphans' court in and for

Proviso.

said county of Luzerne, conditioned for the faithful application of the proceeds of such sale.

LEWIS DEWART,
Speaker of the House of Representatives,
J. R. BURDEN,
Speaker of the Senate.

APPROVED—the seventeenth day of March, one thousand eight hundred and thirty-eight.

JOS. RITNER.

No. 33.

An Act

To incorporate the Athens and Ithaca Railroad company, 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 Lemuel L. Elsworth, Nathaniel Clapp, George A. Perkins, Francis Tyler, Robert Spalding, ed. Lockwood Smith, Jesse Brown, Samuel Ovenshire, George H. Wells, John Watkins, Edward Herrick, Simunons Hovey, Eli Baird, Burton Kingsbury, and John F. Satterlee of Bradford county, or any six 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 November next, procure a book or books, which shall be opened at some convenient place or places, as the commissioners may designate, in which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the President and Managers of the Athens and Ithaca Railroad company the sum of fifty dollars for each share of the stock set opposite to our respective names, in such manner and in such proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled An act to incorporate the Athens and Ithaca Railroad company: Witness our hands, this day of , in the year of our Lord, one thousand eight hundred and ;" and shall thereupon give notice in one or more newspapers printed in the county of Bradford, three weeks at least of

Commissioners appointed

To procure books.

Form of subscription for stock.