

## No. 108.

## A SUPPLEMENT

To an act entitled an act for the incorporation of several bridge companies 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 time of opening books for the subscription of stock to the Lewistown and Tuscarora Bridge company, is hereby extended to the first day of November, Anno Domini eighteen hundred and thirty-nine.

Lewistown  
and Tuscarora  
bridge  
Time extend-  
ed

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—This first day of June, Anno Domini, eighteen hundred thirty-nine.

DAVID R. PORTER.

## No. 109.

## AN ACT

Relative to Estates and Escheates, and to authorize the sale, conveyance, and partition of sundry real estate of minor children, and others.

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 Dorsey Davis, and Jane his wife, Real estate of late Jane Niccolls, of the county of Westmoreland, are hereby Jane Dorsey authorized and empowered to sell at public or private sale all to sell the right, title, interest, and claim of the said Jane, a minor of, in, and to two certain lots of ground in the town of Mount Pleasant, in said county of Westmoreland, numbered in the plan thereof, eight and nine, with a blacksmith's shop and brick dwelling house thereon, late the estate of her father John Niccolls, Esq., deceased, together with the right of her

said husband, Dorsey Davis, and to make and execute a deed or deeds for the same, in fee simple, to the purchaser or purchasers thereof.

**SECTION 2.** That Henry Myers and William L. Gillespie, guardians of the minor children of John P. Gillespie, deceased, late of Washington county, be, and are hereby authorized and empowered to sell a certain lot of ground in the town of West Brownsville, in said county, of which the said Gillespie died seized; and the said guardians are further authorized to make and execute a deed for said lot of ground, to the purchaser thereof, which shall vest all the right, title, and interest of said minor children, to and in said lot of ground, as fully and effectually as if they were of lawful age, and had executed the same.

**SECTION 3.** That the said guardians are further authorized, after paying all necessary expenses of such sale, to vest the remaining proceeds of such sale, as well as all other moneys in their hands belonging to the estate of said Gillespie, to which said heirs are entitled, in the purchase of real estate in the states of Ohio, Indiana, and Illinois, to and for the use of said minors: *Provided*, That before such sale of said lot of ground, as provided in the first section of this act, the assent of the widow of the said Gillespie shall be had to the same. The said guardians shall give bond and surety to the commonwealth, in double the sum of the amount in their hands, to which said heirs are entitled, to be approved by the orphans' court of the county of Washington, conditioned for the faithful performance of the trust so reposed in them for the proper investment of the said moneys in real estate.

**SECTION 4.** That whenever the said guardians, as aforesaid, shall satisfy the orphans' court of the county of Washington, that the said funds in their hands, as guardians of said minor children of John P. Gillespie, deceased, have been properly and fairly invested, to the benefit and advantage of said minor children, the court, aforesaid, are authorized to cancel, and render of no effect the bond required under this act, otherwise, the said bond to continue and remain in full force and virtue, for the use and benefit of said children, their heirs and representatives.

**SECTION 5.** That Joseph Wentz and William C. Boyd, of Martick township, and Robert H. Long and David Parry, of Drumore township, in the county of Lancaster, are hereby appointed trustees to take charge of, and sell and dispose of at public sale, of which notice shall be given by advertisements, posted up at not less than six of the most public places in each of the above mentioned townships, for three weeks previous to the day of sale, all that certain tract of land called Newfoundland, situate in Martick township, Lan-

Of John P. Gillespie minor children to sell

Proceeds how to be invested

Proviso

Bonds

When to be cancelled

Martick fishery tract to sell

caster county, beginning at a poplar; thence by John Patton's claim, south, eighty nine degrees, east, thirty-seven perches and a quarter, to a chestnut oak; thence by Thomas Cully's claim, south, sixty-two degrees, east, thirty-nine perches, to a chestnut oak, south, forty degrees, east, six perches, to a small birch on the river Susquehanna, and thence up the said river—the several courses thereof, seventy-nine perches and a half—to the place of beginning, containing two acres, and allowance of six per cent. for roads, being the same tract which by a patent issued by the commonwealth of Pennsylvania, on the third day of July; in the year of our Lord one thousand seven hundred and ninety-seven, was granted to Moses Irvin, George M'Laughlin, John Robinson, and Hugh Long, and their heirs in trust, nevertheless, for the purpose of a fishery, for the use, benefit, and behoof of the inhabitants in the vicinity of the above described tract of land.

SECTION 6. The said Joseph Wentz, William C. Boyd, Robert H. Long, and David Parry, trustees, as aforesaid, or the survivor or survivors of them, are hereby authorized and empowered to make and execute to the purchaser or purchasers of the said tract of land, with the appurtenances, a clear and indisputable title free from all incumbrances; and the said trustees, after defraying the necessary expenses incident to the sale of said land, shall divide the balance of the purchase money into two equal parts, one of which shall be paid to each of the treasurers of the board of school directors for the townships of Drumore and Martick, respectively, to be applied to the common school fund in said townships; and the treasurers of said townships are hereby authorized to enter suits against the said trustees for the recovery of the purchase money aforesaid, at any time after the expiration of six months from the day of sale.

Conveyance

Proceeds to be applied to common schools

SECTION 7. That Samuel Hollingsworth and Thomas G. Hollingsworth, and their heirs, respectively, be and they are hereby confirmed in the title of certain real estate, in the city of Philadelphia, consisting of two contiguous lots of ground which were purchased by the president, directors, and company of the Bank of North America, one of Margaret Morris, and the other of Joseph Snowden and others, and which said Bank of North America, by indenture, dated the ninth day of March, Anno Domini, one thousand seven hundred and ninety-two, recorded at Philadelphia in deed book number thirty-two, page four hundred and thirty-six, &c., conveyed to Joseph Shalcross, in fee, and which by sundry mesne conveyances and assurances in the law became, and are now vested in the said Samuel Hollingsworth and Thomas G. Hollingsworth, in fee, to the intent, that the said title shall

Lots purchased by Bank of North America  
Title confirmed to S. and T. G. Hollingsworth

at no time hereafter be questioned by, or on behalf, or in the name of this commonwealth for, or by reason of any defect, or alleged defect of power in the said Bank of North America, to purchase, hold, or convey the said real estate, and that the said Samuel Hollingsworth and Thomas G. Hollingsworth, and their heirs, respectively, shall hold the said real estate, and may dispose of the same, with the like effect, as if the said Bank of North America had been authorized by its charter to purchase, hold, and convey the same to the said Joseph Shalcross.

**SECTION 8.** That all the right, title, and interest which this commonwealth may have acquired in the estate, real or personal, which was of Benjamin Junkin, late of the county of Cumberland, deceased, by reason of any escheat or defect of heirs of the said Benjamin, be, and the same is hereby vested in Mary Davidson, of the county of Allegheny, the mother of the said Benjamin.

**SECTION 9.** That Jacob Fritz, sole executor of the last will and testament of Agnes Catharine Sones, late of the city of Philadelphia, widow, deceased, be and he hereby is authorized to sell, either at public or private sale, all those two frame messuages and lots of ground thereto belonging, situate on the north side of South street, between Delaware Fifth and Sixth streets, in the city of Philadelphia, containing together, on said South street, thirty-three feet eight inches, more or less, and being the same premises which John Irvine and Ann his wife, by deed dated August third, Anno Domini, eighteen hundred and one, recorded at Philadelphia, in deed book E F, number ten, page one hundred and eleven, &c., granted and conveyed unto the said Agnes C. Sones in fee, and to make and execute good and sufficient deeds and assurances for the conveying of the said premises to the purchaser or purchasers thereof, in fee simple: *Provided, however,* That the said Jacob Fritz shall, before exercising the authority vested in him by this act, enter into bond or recognizance, with sufficient surety, under the direction of the orphans' court of said county, conditioned for the faithful disposition of all moneys arising from such sale, and for the faithful distribution thereof, according to the provisions contained in the will of the said Agnes Catharine Sones, deceased.

**WHEREAS,** It hath been represented that the said Thomas Hedges, being in his life-time, seized inter alia of a certain tract or parcel of land, in the township of West Bethlehem, and county of Washington, containing about sixty-five acres, did contract to sell the same to a certain Rezin Hedges, and afterwards died seized thereof, having first made his last will and testament, whereby he constituted the said William

Spencer and Rezin Hedges his executors, but without making any provision for the fulfilment of the said contract.

AND WHEREAS; The said Rezin Hedges hath applied to the court of common pleas of Washington county for leave to prove the said contract; and such proceedings have been had thereon, that the said court hath adjudged the proof to be sufficient, and the contract to be obligatory between the parties.

AND WHEREAS, It hath been doubted whether the said Rezin Hedges, being one of the executors of the said last will and testament, can lawfully join in a conveyance to himself of the said lands, under the decree of the said court, in conformity with the provisions of the act of assembly, in such case made and provided.

Therefore, for remedy thereof:

SECTION 10. *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 said William Spencer, executor, as aforesaid; be, and he is hereby authorized to execute a deed of conveyance for the said lands, to the said Rezin Hedges, under the direction of the court of common pleas of Washington county, with the same force and effect, as though both of the executors had joined in the said conveyance. Of Thomas Hedges to convey

SECTION 11. That Conrad Royer, Esq., executor of the last will and testament of Thomas Palmer, late of the county of Northampton, deceased, be, and he is hereby authorized to join the surviving heirs of George Palmer, deceased, (the father of the said Thomas Palmer,) in making partition of the remaining real estate, late of the said George Palmer, deceased, either by amicable reference or otherwise, as fully and effectually as the said Thomas Palmer might or could have done in his life-time. Of George Palmer Partition to be made

SECTION 12. That all the right, claim and interest which the commonwealth may have acquired by reason of any escheat from the want of legal heirs of Ann Roney, late of the county of Washington, Pennsylvania, deceased, to the real estate whereof she died seized, being the undivided fourth part of about four hundred acres of land on the waters of Wheeling creek, in said county, is hereby vested in James Campbell, Rebecca Campbell intermarried with James Eckels, Mary Campbell intermarried with James Orr, Jane Campbell intermarried with Joshua M'Conall, John Millegan, Elizabeth Millegan intermarried with Samuel Frazier, Margaret Millegan intermarried with Daniel Bishop, their heirs or assigns. *Provided,* That no other claim or right of this commonwealth excepting that derived from said escheat, shall pass by virtue of this act, nor shall the rights of individuals be effected Escheated estate of Ann Roney vested in James Campbell and others

thereby, excepting those whose names are mentioned in this act.

Real estate  
First Presb.  
Church Erie  
to sell

**SECTION 13.** That from and after the passage of this act, the Trustees of the First Presbyterian Congregation, in the borough of Erie, in the county of Erie, Pennsylvania, be and they are hereby authorized to sell a certain in lot, situate in the borough of Erie, in the said county of Erie, and numbered in the general plan of the in and out-lots of the said Borough with the number two thousand and fifty-two, (2052) situate on Fifth street, between Peach and Sassafras streets, and the said Trustees of the First Presbyterian Congregation, of the borough of Erie, in the county of Erie aforesaid, are hereby authorized to sell and convey the same at public or private sale, as shall be deemed most advisable, and shall make good and sufficient deed or deeds to the purchaser or purchasers thereof, the proceeds to be applied to the payment of the debts due from the said Congregation.

Distribution  
of proceeds

Of Matthias  
Holstein to  
sell

**SECTION 14.** That Ann Holstein and Rebecca Davis, or the survivor of them, be and they are hereby authorized and empowered to sell at public sale, upon twenty days notice, and convey unto the purchaser or purchasers thereof in fee simple or otherwise, two certain adjoining lots or pieces of ground, situate on the North side of James street, in the borough of West Philadelphia, in the county of Philadelphia, marked number one hundred and thirty-five, and number one hundred and thirty-seven, on the general plan of the village of Hamilton, being the same premises which Henry Joseph Hutchins and Jane his wife, by two indentures dated the second day of March, Anno Domini one thousand eight hundred and eleven, and the fifteenth day of July, Anno Domini one thousand eight hundred and twelve, respectively granted and conveyed to the said Matthias Holstein, his heirs and assigns forever, and also, a certain lot or piece of ground, situate on the south west side of Front street, in the village of Darby, in the county of Delaware, containing one-fifth of an acre, more or less, being the same premises which Jesse Sharpless and Joanna, his wife, by indentures dated the twentieth day of April, Anno Domini one thousand seven hundred and ninety-one, granted and conveyed to the said Matthias Holstein, his wife, and assigns forever. *Provided,* That before any sale shall be made the said Ann Holstein and Rebecca Davis, or the survivor of them, shall give security to the satisfaction of the Orphans' Court of the county of Philadelphia, for the faithful execution of the power hereby granted, and for the proper distribution of the proceeds of the sale, according to the provisions of the intestate laws of this commonwealth.

Security

Distribution  
of proceeds

**WHEREAS,** it has been represented to the legislature that Joseph Ball, died intestate, in eighteen hundred and twenty-

one, leaving a very large number (many thousand) of heirs at law, (some of whom take less than two dollars in ten thousand in his estate) residing in various parts of this commonwealth and in other states, many of whom are minors. *And whereas*, The said Joseph Ball, at the time of his death, was seized in fee of several tracts of unseated land and other real estate in different counties of the commonwealth, and that as said estates are rapidly depreciating and sinking in value by means of taxes and depredations, it would be greatly to the benefit of all parties concerned, that said lands and real estate should be sold. *And whereas*, great expense and much delay would result from ordinary proceedings in partition or sales under authority of the Orphans' Court of the several counties, Therefore;—Be it enacted,—

SECTION 15. That it shall and may be lawful for Samuel Richards, administrator, of all and singular the goods and chattels, rights and credits, which were of Joseph Ball, late of Philadelphia, deceased, by public sale at the Merchant's Exchange, in the city of Philadelphia, to sell all the right, title and interest, which the said Joseph Ball had at the time of his decease, to lands and other real estate situate and being in this commonwealth, and the sale or sales, conveyance and conveyances, made by the said Samuel Richards to any purchaser or purchasers, shall be as good and available in law as if the same had been done by the said Joseph Ball in his life time, and the proceeds of such sale or sales shall go in the manner and proportion and to the same person or persons, their legal representatives, as they would have done had not this act been passed. *Provided*, That before the said Samuel Richards, shall proceed to sell the lands and other real estate, or any part thereof, he shall enter into a recognizance with sufficient security, before the Orphans' Court of the City and county of Philadelphia, for the due execution of the trust hereby reposed in him, and the faithful appropriation of the proceeds of the sale or sales provided for by this act.

SECTION 16. That in all cases where the real estate of said intestate may have been sold for taxes, and in all cases where any portion of the said real estate is held by doubtful or disputed title, it shall be the duty of said administrator, to make such disposition of the same as shall be most for the interest of the heirs at law of said intestate, either by sale of the interest of said intestate, be the same more or less, in manner aforesaid, or by proceeding in due course of law, when necessary, to recover possession of the same when held adversely, and in all cases of sale by the said administrator of any portion of the real estate of said intestate, it shall be his duty to make report of his proceedings to the said Orphans' Court, upon whose approval he shall execute to the purchaser

Preamble

Of Joseph Ball to sell

Proviso

Security

Imperfect titles how to be disposed of

the proper assurances, but in no case shall any sale be made without one month's previous notice in a newspaper published in Philadelphia, and in one newspaper published in the county where the land lies, if any, and if not, in one published in some neighboring county.

**Notice**

**Auditor**

**His duties**

**SECTION 17.** That the said Orphans' Court shall appoint an auditor, whose duty it shall be to ascertain and report the number and names of the heirs at law of the said intestate, and the proportion to which they are respectively entitled in the distribution of the said estate, and before whom, upon the said report being duly confirmed, the respective heirs may appear in person or by their attorneys, and make proof of their identity as being the persons named in the report, and upon the auditor's report of such proof having been made, the said administrator shall pay to the respective heirs the amount awarded to them in the report, but in all cases where such proof of identity is attempted before said auditor, those concerned may except in the usual manner to the report.

**Powers to survive**

**Compensation**

**SECTION 18.** That the powers herein conferred, and the duties hereby enjoined, shall enure and survive to any other administrator, who may in any event be hereafter appointed, of the estate of said intestate, and the present or any succeeding administrator, shall have power to employ and pay such suitable agents or attorneys as may be needful for the care of the said real estate, payment of taxes, investigating titles, &c. and the said administrator and auditor, shall be allowed in the settlement of the accounts such compensation as the peculiar circumstances of the case may in the estimation of the court seem to require.

**When proceedings have been commenced how to be perfected**

**SECTION 19.** That in all cases where any proceedings, by partition or otherwise, have been commenced by any of the heirs at law of said intestate, for the purpose of effecting a sale or realizing their interests in any portion of said real estate, it shall be the duty of the court to stay such proceedings, on such terms as to costs as may be equitable, but if in any such case the proceedings have progressed to a sale of any portion of said real estate, and the court before whom such proceedings have been had, shall be of opinion that the proceedings and sale have been such as are for the benefit of the heirs at law, then the same are hereby confirmed, and said administrator is hereby authorized on receiving the purchase money, to make a sufficient conveyance of the same to such purchaser, as in the other cases herein provided for.

**Escheated estate of R. Swain to be occupied by L. Schofield**

**SECTION 20.** That Lane Schofield, of the city of Philadelphia, shall occupy for the term of seven years, free of rent, a certain house and lot, situate on Warren street, number eight, in the city of Philadelphia, lately the property of Rebecca Swain, and which has escheated to the commonwealth,

information of which was given by the said Lane Schofield to the proper officer of the commonwealth. *Provided*, That nothing in this act shall be construed to effect any rights but those vested in the commonwealth under the award of the inquest prosecuted by the said Lane Schofield. *And provided further*, That the said Lane Schofield shall, during the continuance of said term of seven years, commencing with the day of said award, keep the said house in good tenable repair at his own expense, accidents from fire and other extraordinary accidents excepted, and shall also pay during said term all taxes on said property. Proviso  
Repairs

SECTION 21. That the right, title, and interest, which the commonwealth may have acquired, as mentioned in the twenty-fourth section of the act entitled "An act supplementary to the Resolution relative to the claim of Brown and Sawyers, passed the thirty-first day of March, eighteen hundred and thirty-six, and for other purposes," is hereby declared and established to be a right, title, and interest, in the real estate whereof Sarah Desilver died seized, after paying and satisfying the fees of the Prothonotary, of the court of Common Pleas of the county of Philadelphia, of the Sheriff of said county, of the jurors who found the inquest, and the costs and witness fees attending said inquest, and the costs and witness fees of the traverse in the court of Common Pleas, and the fees of the deputy escheator, including for said deputy escheator the sum of five per cent on the value of said real estate, and on the amount of rents accrued thereon since the decease of said Sarah Desilver, after deducting the amount expended in the necessary repairs thereof, and also, after paying and satisfying to the informer one-fifth of the value of the said real estate and of the amount of the said rents after allowing for the fees, costs, and per centage before mentioned. Of Sarah Desilver  
Costs &c. to be paid

SECTION 22. That the judges of the court of Common Pleas for the city and county of Philadelphia, shall direct an issue to be formed in said court wherein Abednego Moore shall be plaintiff, and the legal representative or representatives of the Rev. Thomas J. Kitus defendant or defendants, and it shall be the duty of the jury empanelled to try the said issue, to examine and determine the amount and value of the real estate of which the said Sarah Desilver died seized and possessed of, the amount of the rents accruing thereon since the time of her decease to the sixteenth day of April, Anno Domini, one thousand eight hundred and thirty-eight, deducting therefrom any moneys expended in the necessary repairs thereof, and also, the amount of the costs, fees, and charges aforesaid, and the said court after the finding of the jury as aforesaid, shall proceed to deduct the said costs, fees, and charges, from the amount of the valuation of the said real Real estate value of to be ascertained by an issue

**Judgment** estate and costs as aforesaid, and shall enter judgment in favor of plaintiff for the one-fifth part of the balance remaining after said deduction, as the informers interest under the act of Assembly relating to escheats, and for five per cent upon the balance then remaining due the deputy escheator under the act of Assembly, and also, for the costs, fees, and charges aforesaid, which said judgment shall be for the use of the person interested therein, and shall be a lien upon the said real estate, and be levied and collected as other judgments are by law levied and collected, and the costs, fees, and charges of the said issue shall be borne equally by the parties thereto.

**Preamble** SECTION 23. WHEREAS, John Patton, Esquire, late Sheriff of Huntingdon county, and now deceased, by virtue of a writ of *venditioni exponas*, issued out of the court of Common Pleas of said county, returnable to August Term, eighteen hundred and nineteen, at the suit of the Huntingdon Bank, Indorsee of Thomas Jackson and David Stewart, against John Canan, sold as the property of the said John Canan unto Alexander McConnell, Esquire, now deceased, two tracts of land situate on Tussey's Mountain, in Porter township, in said county, one thereof in the name of Susannah Lowrish, containing three hundred acres, be the same more or less, for the sum of fifty dollars, and the other thereof in the name of Rudolph Lowrish, containing fifty acres, be the same more or less, for the sum of fifty-seven dollars, for which the said John Patton made deeds to the said Alexander McConnell, but the same were not delivered, the said Alexander McConnell refusing or neglecting to pay the said purchase money, and shortly afterwards died, and it is alleged that the said John Patton afterwards paid the said purchase money to said plaintiff, and for a number of years has paid the taxes on said lands, for remedy thereof it is hereby enacted that on satisfactory evidence being exhibited to the court of Common Pleas of said county, that the said John Patton paid or satisfied the said plaintiff for the said purchase money, the said court are hereby empowered and directed to order and direct the present Sheriff of said county to execute, acknowledge, and deliver, a deed or deeds for said two tracts of land, to such person or persons as shall pay or have paid unto the administrator of the said John Patton, deceased, the said purchase money thereof.

**Title vested** SECTION 24. That John G. Conser, John Wise, and Jonathan Spangler, or any two of them be and they are hereby authorized and empowered to grant, bargain, sell, and convey, at public or private sale, a certain lot of ground purchased by the members of the Evangelical Church of Miles township, Centre county, for the residence of the travelling preacher upon the Centre circuit, containing five acres more

**Lot of the Evangelical Church of Miles tp. Centre co. to sell**

or less, and adjoining land of John Young, Adam Mark, and others, where there is a house erected, and to make good and sufficient assurances in law to the purchaser or purchasers thereof. And the proceeds arising from said sale shall be re-invested by the said John G. Conser, John Wise, Jonathan Spangler, or any two of them, and applied to the purchase of a house and lot of ground at a more suitable and convenient place on said circuit, for the residence of the said travelling preacher, and the same shall be held by them and their successors in trust for the use aforesaid. *Provided*, That the said trustees before they enter upon the execution of the powers and authorities hereby granted, shall give bond with security in a sufficient amount, to be approved by the President Judge of the court of Common Pleas of Centre county, for the due and faithful execution of the same.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—This fourth day of June, Anno Domini, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 110.

## AN ACT

To incorporate the Western Pennsylvania Coal 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 Robert Falconer, Solomon Sartwell, jr., Alonzo J. Wilcox, and Thomas Struthers, and their associates, successors, and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of the Western Pennsylvania Coal company, for the purpose of mining coal, and for transacting the usual business of companies engaged in mining coal, and transporting to market, and selling the same; and the said corporation, by the said name and style, is hereby declared and made capable in law to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and

Conveyance

Application of

proceeds

Proviso

Corporators

names

Style

Objects

Powers