

No. 195.

AN ACT

To authorize the Administrators of Henry Mineum, late of Crawford county, deceased, to sell and convey certain real estate, 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 Israel Berlin and Henry Mineum, administrators of the estate of Henry Mineum, late of Woodcock township, in the county of Crawford, deceased, be, and they are hereby authorized to sell and convey, at private or public sale, all the real estate of the said Henry Mineum, situate in Hayfield township, in the county of Crawford, and to make good and sufficient deeds of conveyance for the same, to the purchaser or purchasers: *Provided,* That before executing a deed or deeds, to the purchaser or purchasers, for the said real estate, or any part thereof, the said administrators shall enter into security, to be approved of by the orphans' court of the said county of Crawford, conditioned for the faithful and proper application of the proceeds of the sale or sales of the said real estate, according to law: *And provided,* That the said sale or sales shall also be approved by the said court.

SECTION 2. That the administrators aforesaid, be, and they are hereby authorized to make and execute a deed of conveyance to Samuel Keifer, of the said county of Crawford, for a certain lot of ground situate in the town of Rockville, county aforesaid; which deed of conveyance or assurance, in law, shall have the same effect and validity, as if the same had been executed by the said Henry Mineum, in his life time: *Provided,* That the balance of the purchase money, if any remains, shall be paid to the said administrators, before a deed shall be made for the premises: *And provided,* That before the said deed shall be valid, the case shall be submitted to, and approved by the orphans' court of Crawford county.

SECTION 3. That from and after the passage of this act, the twenty-ninth section of the act passed at the last session of the legislature, entitled "An act to authorize the committee of the estate of Michael Fox, a lunatic, to sell and convey certain real estate, and for other purposes," which

Administrators of H. Mineum authorized to sell real estate

Deed

Proviso

Bond

2d proviso

To execute a deed to Samuel Keifer

Proviso

2d proviso

Declaratory section relative to 29th section of "an act relative to

provides for the exemption from taxation of all churches, estate of Mi-
meeting houses, and other places of stated religious worship, chael Fox, a
with the grounds thereto annexed, for the occupancy and lunatic and
better enjoyment of the same; all burial grounds belonging for other pur-
to any religious congregation; all universities, colleges, acad- poses"
demies, and school houses belonging to any county, borough,
or school district, or incorporated, erected, endowed, or estab-
lished, by virtue of any law of this commonwealth, with the
grounds thereto annexed; and all court houses and jails shall
be taken and construed to mean, and is by this act declared
and explained to mean five acres of land, together with the
improvements thereon, attached to all such religious congrega-
tions, universities, colleges, academies, and school houses
belonging to any county, borough, or school district, as afore-
said; and no more than five acres of land, with the improve-
ments thereon, attached thereto, shall be exempted from taxa-
tion, as aforesaid.

SECTION 4. That James Sangston, executor of the last Executor of
will and testament of Isaac Sangston, late of German town- James Sangs-
ship, Fayette county, deceased, be and he is hereby au- ton deceased
thorized to sell, at public or private sale, as to him to sell real es-
shall seem most conducive to the interests of all concerned tate
in said estate, all the right, title, and interest of the said de-
ceased, in a certain tract of land, situate in the township,
aforesaid, adjoining lands of Edmund Boice, and others,
containing about one hundred and four acres, and convey
the same by deed or deeds, to the purchaser or purchasers, Deed
as soon as the orphans' court of said county shall confirm
such sale or sales: *Provided*, That the court, aforesaid, be- Proviso
fore confirming such sale or sales, shall require the said
James Sangston to be bound in recognizance, with sufficient
bail, for the distribution of the proceeds of such sale or sales,
according to the provision of the will of the said deceased.

SECTION 5. That from and after the passage of this act,
the number of trustees of the Presbyterian church of Lon- Presbyterian
donderry (now Derry) township, in the county of Dauphin, church Derry
shall be six, a majority of whom shall constitute a quorum for township
the transaction of any business connected with the church or Dauphin
congregation, and so much of the original act incorporating county to
the Presbyterian church, in the county of Dauphin, as is elect six trus-
altered and supplied by this act, be and the same is hereby tees
repealed.

WHEREAS, It has been represented to the legislature by Preamble rel-
citizens of Wysox township, in the county of Bradford, that ative to real
real estate has been heretofore given or granted by the owners estate given
thereof, to the inhabitants of several neighborhoods, in said for school
township, for school purposes, upon which school houses purposes in
have been erected by the inhabitants of those neighborhoods, Wysox,
Bradford co.;

respectively; and the citizens, aforesaid, further represent that by reason of the death of some, and the removal of others of the original builders of the said school houses, and by the emigration of other persons into the said neighborhoods, it has become doubtful who would be proper persons to be joined as plaintiff in any action to be brought for the recovery of the possession, or for injuries done thereto, inasmuch as there were no trustee or trustees appointed by the grantees of the said lands. Therefore,

School directors to institute suits

Resolved, That the present school directors of the township of Wysox, in Bradford county, and their successors in office, are hereby authorized to institute, and prosecute to judgment and execution, any action or actions, either for the recovery of the possession of, or for injuries done to any of the said lands.

How actions are to be brought

Resolved, Any action brought in pursuance of this act, shall be in the name of the school directors of Wysox township, and the school directors shall hold the possession of any such land, for the use of the inhabitants of any neighborhood to which the same was originally given or granted to be used, under the direction of the said school directors, in any manner not inconsistent with the original gift or grant, and any moneys recovered by the said school directors, shall be applied to the use of the neighborhood to which the same shall belong, for school purposes.

Of adverse rights

Resolved, This act shall not be construed to create liabilities where none now exist, nor to create rights to lands where no such rights now exist, nor in any way to defeat the rights or claims of any person or persons, to any of said lands, that it shall be construed or taken to create merely a remedy for the recovery of the possession of said lands, from those who may or do, or who shall hereafter hold the same adversely to those who have either a legal or equitable right thereto, and, also, for the redress of injuries done, or which may hereafter be done to the same.

David Potts jr authorized to sell lands of heirs of S. and Joanna Potts

Deed

Proceeds how applied

Resolved, That David Potts, junior, of Warwick Furnace, in Chester county, be authorized to sell, either at public or private sale, so much of the lands held by the heirs of Samuel and Joanna Potts, attached to the said furnace, or exchange them for other lands, as he shall deem most advantageous for said heirs, and to convey the same to the purchaser or purchasers, by such title as the said Samuel and Joanna, at the time of their deaths, respectively, had therein, and the proceeds thereof, after the payment of the debts yet unpaid, of the said Samuel and Joanna, to pay over, in the proper proportions, to the several persons legally entitled to receive the same, the proportion of the moneys to be invested under the direction of the orphans' court of the proper county, for

the benefit of the said minors: *Provided*, That the said David Potts, junior, give security in such sum as the orphans' court of Chester county direct, for the faithful performance of the trust herein committed to him.

Resolved, That it shall and may be lawful for the present, or any future trustee or trustees of the specifically devised and residuary real estate, mentioned in the last will and testament of Daniel Bickley, late of Philadelphia, deceased, wherein and whereof the beneficial interest is, or shall be held, for the separate use of his daughter, Abby Atkinson Tallman, wife of Joseph V. Tallman, during the term of her natural life, to sell and dispose of for cash, or on credit, and with or without the reservation of any ground rent or ground rents, such part or parts, or the whole of said specifically devised and residuary real estate, as she, the said Abby Atkinson Tallman may, from time to time, by deed, under her separate hand and seal, duly proved or acknowledged, according to the provisions of the recording acts of this commonwealth, direct or appoint, and convey the same to the purchaser or purchasers, his, her, or their heirs and assigns, forever; and to give receipts and discharges for all purchase and extinguishment moneys that shall fully acquit, discharge, and exonerate all persons paying the same: *Provided always*, That where the whole, or any part or parts of the consideration of any such sales or dispositions, shall be a ground rent or ground rents, the same shall be reserved and made payable in trust, for the purposes expressed and contained in the last will and testament, aforesaid, of Daniel Bickley, deceased, and shall be secured by the usual clauses, covenants, and provisions, for the payment thereof, and for entry, distress, and re-entry, for non-payment thereof: *And provided further*, That before the receipt of any redemption or extinguishment money or moneys, for any such ground rent or ground rents, and before the receipt of any purchase money or pecuniary consideration of sales made, in whole, or in part, without the reservation of ground rent, security for the due and faithful investment and application of the same, according to the provisions of said will, shall be filed in, and approved by the orphans' court of Philadelphia county.

Resolved, That it shall and may be lawful for the said court, on the application of said Abby Atkinson Tallman, to direct the investment of such sum or sums of money as the said court may see proper, arising from sales or dispositions of real estate, made under the preceding section of this act, or from the personal estate, moneys or securities now held under said will of Daniel Bickley, deceased, in trust for her separate use, during her natural life, in

Trustees under will of Daniel Bickley to sell, &c

Terms

Deed

Proviso

2nd proviso

To give security

Court to direct investment of proceeds

the purchase of a suitable dwelling house, for the residence of herself and her family, the conveyance thereof to be received by the trustees or trustee, for the time being, by whom such investment may be made, and their, or his heirs, in trust, for the same uses, intents, and purposes, and subject to the same limitations, as the money so invested therein would have been held under, if no such purchase or investment had been made.

WHEREAS, John and George Canwell, were the owners of two several tracts of land, as tenants in common, in the township of Luzerne, in the county of Fayette, state of Pennsylvania, viz: one tract of eighty acres, conveyed to them by Prettiman Canwell and wife, by deed dated ninth of May, eighteen hundred twenty-seven, one other tract of sixty-two acres and fifteen perches, conveyed to them by the executors of William Canwell, deceased, by deed dated ninth of May, Anno Domini, eighteen hundred and twenty-seven.

AND WHEREAS, Jehu Canwell, the father of the said John and George, did, by will, devise unto the said John, his homestead farm, upon condition that he, the said John, should convey unto the heirs of the said George, his undivided interest in the two tracts of land before specified, that the said John accepted and took possession of the said devise, under the will, aforesaid, but died without having executed the deed of conveyance to the heirs of the said George, as required under the provisions of the will, aforesaid.

Administrators of John Canwell deceased to convey land to heirs, &c.

Resolved, That Sheppard Canwell and Joseph Davidson, administrators of the estate of John Canwell, deceased, be and they are hereby authorized and empowered to convey all the right, title, and interest which said deceased had in the two several tracts of land before specified to John Canwell, Claypoole Canwell, and Anna Eliza Canwell, heirs at law of George Canwell, deceased: *Provided*, Said conveyance shall, in all respects, correspond, and be subject to the provisions of the will of Jehu Canwell.

Preamble relative to will of John Kerr, Adams county

WHEREAS, John Kerr, late of Hamiltonban township, Adams county; deceased, did, in his last will and testament, devise to his four daughters, to wit: To Maria, intermarried with John M'Ilheny, Eliza, intermarried with Samuel Harper, Margaret, intermarried with Robert Majors, and Jane J. Kerr, a certain plantation or tract of land, with the apperteneances, which said plantation, or tract of land, after the death of the said testator, was sold by the devisees, to Samuel Harper; that after such sale, and before a conveyance of the same was made to the purchaser, Maria, one of the aforesaid devisees died, leaving issue five children, all minors, of which said minors, John J. Kerr was duly appointed guardian by the orphans' court of Adams county.

Therefore,

Resolved, That John J. Kerr, guardian of the minor children of the said Maria M'Ilheny, deceased, be, and he is hereby authorized and required to make and execute to the said Samuel Harper, a good and sufficient conveyance, in fee simple, of all the right, title, interest, and estate which the said Maria M'Ilheny held in the said plantation or tract of land, at the time of her death; and, also, all the interest and estate of said minors of, in, or to the plantation, or tract of land, aforesaid, and the proceeds arising from the sale of the said real estate, shall be invested by the said guardians, under the direction of the orphans' court of Adams county, aforesaid, for the use of the parties entitled according to law: *Provided*, That the said guardian, before the execution of the power and authority hereinbefore granted, shall give sufficient security, to be approved of by the said court, for the faithful execution of the same.

Guardian of
Maria M'Ilheny
to execute
a deed to
Saml. Harper

Proviso

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The second day of July, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 196.

AN ACT

To incorporate the president and managers of the Clearfield and Allegheny Turnpike Road 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 William Bigler, Robert Wallace, William L. Moore, Philip Antes, Christopher Kratzer, Jas. T. Leonard, John Mitchell, Joseph Irwin, Joshua J. Tate, Samuel Tate, Amos Reed, senior, John R. Bloom, John R. Reed, William Spackman, Thomas Reed, William Dunlop, James Cathcart, and John W. Wright, of the county of Clearfield, be, and they are hereby appointed commissioners.