

[No. 125.]

AN ACT

To authorize the trustees created by the last will and testament of John Donaughey, deceased, to invest the moneys belonging to the estate of the decedent, 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 Lane Schofield and Dennis Sweeny, the trustees created by the last will and testament of John Donaughey, late of Washington county, in this commonwealth, ^{Trustees to} deceased, and their successors, be and they are hereby autho- ^{invest moneys} rized and empowered, from time to time, to invest the moneys which they have received, or may receive under the said last will, in the purchase of real estate, or in ground rents or mortgages, issuing out of or secured by real estate, situate in this commonwealth, or in the public stocks of this state or of the United States, for the same uses and for the same trusts as are created by the said will: *Provided,* ^{Proviso.} That before any such investment is made by the said trustees, or their successors, they shall obtain the approbation of the court of Common Pleas of the county of Philadelphia, which court is hereby empowered to make such orders and decrees as they may deem necessary from time to time to secure the faithful application of said moneys, for the benefit of those interested under the said will.

WHEREAS it has been represented to the legislature, ^{Preamble.} that Reuben Haines, late of Germantown, in the county of Philadelphia, deceased, was in his life time seized in fee simple of a certain lot of ground, situate at the south west corner of Marshall and Parish street, in the district of Spring Garden, and county of Philadelphia, containing in front on said Marshall street two hundred and thirty-two feet two inches and a quarter of an inch, and in depth, at the north end on Parish street twenty-two feet one inch and three quarters of an inch, and at the south end thereof, at right angles with the said Marshall street fifty-eight feet seven inches and one eighth of an inch, be the same more or less, which lot is now, by the will of the said Reuben Haines, duly registered in the office of the register of wills, for the city and county of Philadelphia, vested in fee simple in the children of the said Reuben Haines,

some of whom are minors under the age of twenty-one years; and it has been further represented that it would be for the interest of the said children, and also that it would promote the improvement of that part of the district in which the said lot is situated, if an exchange could be effected of certain portions thereof, and parts of the adjoining ground: Therefore,

Guardians of minor children of Reuben Haines authorized to exchange certain property in Philadelphia county.

SECTION 2. That Jane B. Haines, Daniel B. Smith, and James P. Parke, surviving guardians of the minor children of the said Reuben Haines, named in his last will and testament, be and they are hereby authorized and empowered for, and on behalf of the said minors, to contract for, make, and execute with the owner or owners of the land adjoining the lot of ground above described, an exchange of such part or parts of the said described lot as in their judgment may be for the advantage of the said minor children, and thereupon on the part and in behalf of the said minor children, to make and execute, sign, seal and deliver, and also on their part and behalf, and in their names, to accept all deeds and assurances in the law necessary and proper for vesting in the parties to such exchange an estate, in fee simple, in the land respectively conveyed, which exchange, when so completed, shall have the same force and effect as if the said minor children had been of full age, and had themselves executed deeds for the same: *Provided*, That the said exchange be approved by the Orphan's court of the city and county of Philadelphia.

Fee simple.

Proviso.

Sarah Chambers authorized to sell certain property.

SECTION 3. That Sarah Chambers, guardian of James S. Chambers, minor son of William Chambers, late of York county, deceased, be and she is hereby authorized to sell at public or private sale, and convey the same, all the right, title and interest of the said James S. Chambers, of, in and to a certain lot, piece or parcel of land, situate, lying and being at Middlesex, in the township of North Middleton, in the county of Cumberland, bounded by the Letart Spring on the lands of Charles B. Penrose, and the heirs of George Blaney, deceased, and by the mill race of the said Charles B. Penrose, and the said heirs leading to their fulling and plaster mills, at Middlesex aforesaid, containing three acres, more or less, the said interest being an undivided interest in the same: *Provided*, That the said Sarah Chambers shall give security in the Orphan's court for the county of Cumberland, for the faithful execution of the power hereby committed to her, and for the proper application of the proceeds of the sale of the said real estate.

Proviso.

First Baptist Church, Erie, Pa., to sell certain property.

SECTION 4. 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, beginning forty-feet from the north east corner on Peach street; thence southwardly along Peach street forty-two and one half feet; thence westwardly at right angles eighty-two and one half feet; thence northwardly forty-two and one half feet; thence eastwardly eighty-two and one half feet to the place of beginning, containing about one-fourth of said lot, number two thousand five hundred and seventy-six, 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 sale. 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.

SECTION 5. That George Passmore, guardian of Jesse Bond and Elizabeth Ann Bond, minor children of Charles Bond and Elizabeth Bond, of the county of Washington, Pennsylvania, be and is hereby authorized and impowered to make and execute a deed of conveyance to John Worrel, for a tract of land, situate in the county of Washington, Pennsylvania, for all the interest which his said wards have in said tract of land, containing sixty-eight acres, strict measure, agreeably to the provisions and conditions of an article of agreement entered into by Elizabeth Bond, deceased, late of said county, mother of said wards, in conjunction with her said husband Charles Bond, on the twentieth of April, Anno Domini, one thousand eight hundred and thirty-six, for the sale of said tract of land to John Worrel.

SECTION 6. That the administrators of James Hanna, deceased, late of the state of Ohio, be and are hereby authorized and empowered to make and execute a deed of conveyance to Temperance Day and George W. Day, agreeably to the terms of an article entered into the fifteenth of February, Anno Domini, one thousand eight hundred and thirty-three, between the said James Hanna, and Temperance and George Day, for a tract of land in Morris township, Washington county, Pennsylvania, adjoining lands of Jonathan Hoyden, George Baird and others, containing ninety-five acres, more or less: *Provided*, That before the execution of the same, the said administrators shall make satisfactory proof in the Orphan's court of the county of Washington, of the execution of said contract, agreeably to act of assembly, in such case made and provided: *Provided*, That the purchase money for the same shall be paid before the execution of the same.

SECTION 7. That it shall be the duty of the Orphan's court of Chester county, and it is hereby authorized and empowered to appoint some judicious person as trustee to act for Mary Davis, the wife of Charles J. Davis, of said county, and when-

Duty of trustee.

ever the said Charles Davis, shall contract for the sale of any real estate, which has or may descend to him from any of his ancestors, or which he may acquire by devise or purchase, situate in the state of Pennsylvania, it shall be the duty of the trustee so appointed to examine the same, and if it shall appear to the said trustee that the said contract is made in good faith, and not with a design to prejudice the interest of the said Mary Davis, he shall signify his assent to such contract in writing, upon any deed or deeds hereafter to be made by the said Charles J. Davis, and the deed or deeds so made and assented to by the said trustee, and acknowledged by him in the manner now required by law for the acknowledgment of deeds, shall vest the estate thereby granted by the said Charles J. Davis in the purchase, as fully to all intents and purposes as if said Mary Davis were competent to execute the same, and had duly executed and acknowledged the said deed according to law. The said court shall have power, whenever it may deem necessary, to remove the said trustee, and in case of the removal, death, absence, inability or unwillingness to act of any trustee, such court shall appoint another person as trustee, and as often as in the opinion of the court occasion may require.

Power of court.

Preamble.

WHEREAS Wentz's German Reformed Congregation of Worcester township, Montgomery county, commonly called Wentz's Church and Boem's German Reformed Congregation of Whitepain township, in said county, commonly called Boem's church, and now incorporated by the name of Boem's German Reformed Congregation, have long jointly owned a certain parsonage house or messuage, and glebe or two tracts of land, situate in the township of Whitepain aforesaid, and mutually received and enjoyed the issues and profits thereof: *And whereas*, the said premises have become much out of repair, and the buildings delapidated, and have ceased in their present condition to be of any benefit to the said congregation, and the said congregations are desirous of having the said premises sold, and the proceeds divided between them, that they may derive some benefit from said property: Therefore,

SECTION 8. That the parsonage house, or messuage and glebe, or two tracts of land situate in Whitepain township, Montgomery county, the one thereof on which the said messuage is erected, bounded by the Skippack road, and lands of Charles Wood, George Greenawalt, John Lutz, and Henry Hurst, containing by a recent survey forty-eight acres thirty-two perches, the other bounded by the said road and by lands of Charles Wood, William Hurst, John Shearer, David Thomas, and George Greenawalt, containing by a late survey fourteen acres one hundred and fifteen perches, which were granted and confirmed by William Zimmerman, John Zimmerman, and Christian Betz and their respective wives, by

indenture, dated the twenty-seventh day of January, Anno Domini, seventeen hundred and seventy-six, to Jacob Wentz, Philip Wentz, Henry Conrad, John Edridge, Peter Troxell, and John Martin, in fee in trust for and which are now owned by Wentz's German Reformed congregation of Worcester township, in said county, commonly called Wentz's Church, and by Boem's German Reformed Congregation, of Whitepain township, aforesaid, commonly called Boem's Church, now incorporated by the name and style of Boem's German Reformed congregation, be and the same are hereby vested in the trustees of the said congregations in fee, in trust for the use of the said congregations, and the trustees of the said congregations, or a majority of the trustees of each, are hereby authorized and empowered to sell the above mentioned and described parsonage house or messuage, and glebe or two tracts of land at public or at private sale, either together or in parts, as they may deem most advantageous, for the highest and best price they can obtain for the same, and to execute and deliver a deed or deeds for the same to the purchaser or purchasers thereof in fee simple, upon the payment of the purchase money to said trustees, and upon the execution and delivery of the said deed or deeds, all the right, title, interest and property of the said congregations and every member thereof, in said real estate, shall vest in the purchaser thereof, their heirs and assigns forever. It shall be the duty of the said trustees, after deducting the necessary expenses of the sale of the said real estate, to pay the balance of the proceeds thereof to the said congregations, respectively, in equal sums, to be loaned out on interest, or otherwise appropriated, as they may deem most advantageous for said congregations.

Trustees of
Wentz's
church and
Boem's
church, in
Montgomery
county, au-
thorized to
sell certain
real estate, &
divide the pro-
ceeds equally
between said
congregations

WHEREAS Henry Stover and Peter Zorger, the committee of the person and estate of John Jacoby, of Conewago township, in the county of York, an habitual drunkard, have represented to the legislature that they they have filed and settled an account of their trust which exhibits a balance in their hands of four hundred and twenty-four dollars and forty cents, which balance or part thereof it would be to the interest and benefit of the said John Jacoby and his wife and children, should be invested in real estate for the use of himself and family; Therefore,

Preamble.

SECTION 9. That in case the court of Common Pleas of York county shall decree that in the opinion of said court it would be for the benefit and advantage of the said John Jacoby and his wife and children, to invest the said sum of four hundred and twenty-four dollars and forty cents, or any part thereof, in the purchase of any certain real estate mentioned and described to said court by the said Henry Stover and Peter Zorger, as committee of the person and estate of the said John Jacoby, an habitual drunkard, that then the said

Committee of
estate of John
Jacoby, of
York county,
authorized to
invest a cer-
tain sum of
money in real
property.

Henry Stover and Peter Zorger, as committee aforesaid, are hereby authorized and empowered so to invest the said sum, or any part thereof, and to take and receive a deed of conveyance to the said John Jacoby and his heirs, vesting such said certain real estate in the said John Jacoby and his heirs, which said decree the said court of Common Pleas of York county are hereby authorized and required to make, if, in their opinion, the so vesting of said sum or any part thereof would be for the benefit and advantage of the said John Jacoby and his wife and children.

Preamble.

WHEREAS it appears that the German Lutheran Congregation of the borough of Huntingdon, and its vicinity, in the county of Huntingdon, owning a certain interest and estate in and to four certain lots, lying on the northern side of Church street, in said borough, numbered or intended to be numbered two hundred and thirty-nine, two hundred and forty, two hundred and forty one, and two hundred and forty-two, each of the length of two hundred, and the breadth of fifty feet; and also owning a certain other lot of ground in said borough, situate on the corner of Moore and Montgomery streets, lying on the easterly side of Montgomery street, and being of the length of four hundred feet, and the breadth of one hundred feet, became indebted a number of years ago to Henry Miller and Michael Africa, late of said borough, both of whom are now dead, for the erection of a brick church on one of said lots, numbered two hundred and thirty-nine, the amount of such indebtedness having been fixed and determined in a certain suit in the court of Common Pleas of Huntingdon county, number thirty-four of November term, one thousand eight hundred and twenty-four, by Christian Coldstock, for the use of the representatives of Henry Miller and Michael Africa before named, against John Whittaker and others: *And whereas*, the said German Lutheran congregation, for a number of years last past, has become extinct and ceased to exist as a congregation, by reason of all the members thereof having either died, removed from said county, or become attached to some other denomination of christians, in consequence whereof there is no person or persons against whom suit can be brought, or process issued to enforce the payment of said indebtedness and claim, and the legal representatives of the said Henry Miller and Michael Africa, are without remedy in law: Therefore,

2d Preamble.

Sheriff of
Huntingdon
county to sell
certain real
estate.

SECTION 1. That the sheriff of Huntingdon county is hereby directed and required, on the passage of this act, or soon thereafter as conveniently may be, to advertise and sell in the manner directed by law in the case of sheriff sales, the interest, right, title and estate of the said late German Lutheran congregation of the said borough of Huntingdon, and its vicinity, of, in and to the said brick church and five lots of ground, sit-

uate in said borough of Huntingdon, four of said lots lying on the northerly side of Church street, and numbered or intended to be numbered two hundred and thirty-nine, two hundred and forty, two hundred and forty-one, and two hundred forty-two, in the plan of said borough, and the other of said lots of ground being situate on the corner of Moore and Montgomery streets, on the easterly side of Montgomery street, and to make, execute and acknowledge his deed or deeds therefor to the purchaser or purchasers thereof, and after deducting the costs of sale, as in other cases of sheriff's sale for like services, to pay over to the administrator of the said Henry Miller, deceased, and the executors of the said Michael Africa, deceased, the residue of the proceeds of such said sale or sales, in such proportions as they are respectively entitled thereto, and the court of Common Pleas of said county of Huntingdon, is hereby authorized and required to take and receive the acknowledgement of said deed or deeds, on such sale or sales being so made.

SECTION 11. That so much of any act or acts of the general assembly of this commonwealth as have annexed or added certain islands in the Susquehanna river, now the property of Alanson B. Smith, lying between the townships of Ulster and Sheshequin, in the county of Bradford, to the said township of Sheshequin, is hereby repealed, and the said islands are hereby annexed to and declared to be a part of the said township of Ulster, and shall hereafter be assessed as other property in the said township, of which they are hereby declared to be a part, and the taxes on the same paid to the collector thereof.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.