

[No. 126.]

A N A C T

To amend an act, entitled 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, passed the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, and for other purposes.

Preamble.

WHEREAS, an error occurred in the second section of the act, to which this is an amendment, by writing the name Samuel Keiffer, where the same should have been written Samuel Peiffer, to remedy which :

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 administrators named in the first section of the act, to which this is an amendment, be and the same are hereby authorized to make and execute a deed of conveyance to Samuel Peifer, of said county of Crawford, for the lot of ground mentioned in said second section of said recited act, to have the same effect, and to be done under the same rules, provisions, regulations and restrictions, as contained in the aforesaid second section of said act, and so much of the same act as authorizes such deed to be made by said administrators, to Samuel Keiffer, be and the same is hereby repealed.

Administrators of Henry Mineum to make deed to Sam'l Peiffer.

Repeal.

Trustees of estate of C. Wharton, deceased, authorized to sell life estate of Wm. Craig therein.

SECTION 2. That the trustees or trustee, for the time being, of that part of the real estate of Charles Wharton, late of the city of Philadelphia, deceased, devised by him in trust, for the use of his late daughter, Sarah R. Craig, deceased, her husband and children shall have power, notwithstanding the decease of the said Sarah R. Craig, to grant and convey, during the natural life of William Craig, the surviving husband of the said Sarah R. Craig, all and any of the lots of ground, and any part or parts thereof, so as aforesaid devised, to any persons whatsoever in fee simple, reserving as the entire consideration thereof, a perpetual annual rent or rents, payable half yearly, and redeemable or extinguishable within any number of years, not less than ten years, from and after the execution of the said conveyance, respectively, by the payment of a sum of money not less than sixteen years and two-thirds of a year, purchase of the said annual rents respectively : *Provided always,* That

Payments how made.

Proviso.

the said William Craig, the surviving husband of the said Sarah R. Craig, deceased, the said Mary I Craig, and such other child or children of the said Sarah R. Craig, as may be of the age of twenty-one years, at the time of the execution of such conveyances, and the guardian, for the time being of such of the said children as shall be under the age of twenty-one years, shall join in such conveyances in manifestation of their approbation thereof: *And provided further*, That the rents so reserved, shall be disposed of and paid over in the manner directed by the said will, as to the rents, issues, and profits of the other parts of the real estate of the said Charles Wharton, deceased, devised in trust for the use of the said Sarah R. Craig, her husband and children: *And provided further*, That the money paid on the redemption or extinguishment of any of the said rents, shall be received by the said trustees or trustee, at the time being, by whom the release of the said rent shall be executed, and when received, the said money shall be by them or him invested under the authority of the Orphans Court of the county of Philadelphia, in debt of the United States, or of the State of Pennsylvania, or of the city of Philadelphia, or in real securities in their names or name in trust, both as to principal and interest for the same persons, estates, uses and trusts, as are declared in the said will of and concerning the said lots of ground, and the rents, issues and profits thereof: *And provided further*, That such trust estates shall be taken and held by the purchaser or purchasers thereof, discharged from the trusts aforesaid, and without any liability on the part of such purchaser or purchasers as to the application or misapplication of the purchase money.

WHEREAS, by an act of Assembly of this commonwealth, passed the eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-four, entitled an "act to authorize the corporation of Saint Martin's Church, Marcus Hook, to sell certain real estate, and for other purposes;" James Kelton, surviving administrator to the estate of Samuel Cochran, late of the county of Chester, deceased, was authorized to sell and convey the real estate of said deceased, situate in the counties of Clearfield, Crawford, Erie, Tioga and Mercer, in the State of Pennsylvania: *And whereas*, by a construction put upon said act, it is believed that said James Kelton, was only empowered to sell so much of said real estate as would discharge the debts due from said Samuel Cochran: *And whereas*, the heirs of the said Samuel Cochran, by their petition, represent that their wish is that Joshua B. Linton, of Upper Oxford township, in the county of Chester, may be authorized to sell all the real estate of the said Samuel Cochran. Therefore

SECTION 3. That Joshua B. Linton, of the township of Upper Oxford, in the county of Chester, is hereby authorized

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Joshua B. Linton authorized to sell all the estate of Samuel Cochran, deceased.

to sell at public or private sale, as to him shall seem expedient, all the real estate of the said Samuel Cochran, late of West Fallowfield, in the county of Chester, deceased, situate in the counties of Clearfield, Crawford, Erie, Tioga and Mercer, or in any other counties of this commonwealth, and fully and effectually to convey the same, either in whole or in part, to the purchaser or purchasers thereof: *Provided however*, That before any such sale or sales, the said Joshua B. Linton, shall enter into bond with sufficient security, for the faithful performance of the trust hereby conferred, to be approved by the Orphans Court of Chester county, : *And provided further*, That before such sale or sales shall be valid, they shall be confirmed by the court aforesaid. That the said Joshua B. Linton, is hereby empowered to perform and fulfil any contract of sale, for any part of said lands, entered into by the said James Kelton, or the said Samuel Cochran, in his life time, and to do and perform all acts necessary to be done and performed, to perfect and secure to the purchaser or purchasers of any part thereof, good and sufficient title or titles to the same: and so much of the fifth section of the act entitled an act to authorize the corporation of St. Martins' church, Marcus Hook, to sell certain real estate, and for other purposes, as is hereby altered or supplied is hereby repealed: and the said Joshua B. Linton, is hereby authorized and empowered to collect all debts due, or which may become due for the said lands, so sold or to be sold, and give sufficient acquittances or discharges for the same; and he shall from time to time pay, under the direction of the said court, to the respective heirs or legal representatives of the said estate as may be entitled to receive the same, such moneys as may be paid to him for such lands.

Bond.

Court to confirm sale.

Proceeds how distributed.

WHEREAS, it has been represented to the Senate and House of Representatives of this commonwealth, that John C. Craig, late of Philadelphia county, on or about the twenty-ninth day of April, one thousand eight hundred and thirty-seven, died intestate, seized *in fee simple* of two tracts of land, in said county, one of them containing eighty-four acres one hundred and two perches, more or less, and the other containing six acres, thirty two perches, with the buildings and improvements, ways, easements and appurtenances, which had been conveyed to him by deed of the twenty-eighth day of December, one thousand eight hundred and thirty, recorded in said county, in deed book A. M. number six; page four hundred and sixty-five, leaving a widow, Jane Josephine, and issue, two sons, James and John C., of whom James died on or about the eighteenth day of May, one thousand eight hundred and thirty-seven, intestate, unmarried and without issue, leaving his mother, the said Jane Josephine and brother, the said John C. Craig, the younger an infant surviving him, and that it will be beneficial to the said widow and

Preamble.

infant that the said real estate be sold as hereinafter authorized. Therefore

SECTION 4. That Thomas Dunlap, guardian of the said John C. Craig, the younger, shall have power and authority, at public or private sale, to sell and dispose of the whole estate and interest of his said ward, present and expectant, in the whole or any part or parts of said real estate, and to convey the same to the purchaser or purchasers, his, her or their heirs and assigns, in fee simple, and to give receipts for the consideration money or monies which shall fully and finally acquit and discharge all persons paying the same: *Provided*, That the said power and authority shall not be exercised during the life time of the said Jane Josephine, unless she shall unite in any and every such sale and disposal, and at the same time and times convey to the purchaser or purchasers aforesaid, all her estate and interest in the said premises: *And provided*, That the entire purchase money or monies of the united estates of the said Jane Josephine and John C. Craig, the younger, the one third part shall be received and held by said guardian for the use of his said ward, and the other two-thirds shall be invested by the said guardian in trust, that during the life of said Jane Josephine, she may receive the income thereof, and that at her death the capital may be held for the use of his said ward: *Provided also*, That upon any and every sale and disposition to be made by virtue of this act, the said guardian shall give bond in double the amount of the purchase money, with surety, to be approved by the Orphans' Court of said county, conditioned for the faithful application of the same, or of such portion or portions thereof as shall be received by him, under or by virtue of this act.

Guardian of John C. Craig to sell whole estate and interest.

Conditions of sale.

Money how disposed of.

Bond.

SECTION 5. That George B. Markley, administrator of the estate of John Markley, late of the borough of Strasburg, Lancaster county, deceased, and formerly a collector of militia fines, in the second brigade, fourth division, Pennsylvania Militia, shall be and he is hereby authorized, empowered and directed, to pay the claims of individual judgment creditors having claims against the estate of the said John Markley, deceased, before the amount due and owing to the commonwealth is discharged; and if any assets are left, after the liquidation of said demands, then to apply the same to the discharge of the claim of the state against the estate of the said John Markley, deceased, as the same appears from the records of the district court for the city and county of Lancaster; and the account of the said George B. Markley, upon the estate of the said John Markley, deceased, shall be allowed and passed by the Orphan's court of Lancaster county, as if the claims of the said individual creditors had not lost their precedence by reason of their neglect to have them revived by scire facias:

Administrators of John Markley's estate to pay certain creditors in preference to commonwealth.

Administrators act.

Proviso. *Provided*, That nothing herein contained shall be so construed as to prevent the filing of any other objection to the settlement of said account in the usual manner.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The ninth day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 127.]

A N A C T

For the extension of a State Road, from the Virginia State line, near the town of Blacksville, to the town of Waynesburg, in Greene county, 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 Mark Gordon, David Spragg, and Richard Ledwith, of the county of Greene, be and they are hereby appointed commissioners to view and lay out a state road from Waynesburg, in Greene county, to the Virginia state line near Blacksville, Virginia, by the nearest and best route.

SECTION 2. That it shall be the duty of said commissioners, respectively, or a majority of them, after taking and subscribing an oath or affirmation, before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity; to carefully view the ground over which said road may pass, and to lay out the same as near to a straight line, between the aforesaid points, as the nature of the ground and other important circumstances will permit, so that the vertical departure from a horizontal line shall, at no point, exceed five degrees, except only at crossings, ravines and streams, when by a moderate filling or bridging, the declination of the said road may be preserved in that limit.

SECTION 3. That it shall be the duty of said commissioners respectively, plainly and distinctly, to mark the ground on the route agreed upon for the road aforesaid, in such manner as to

Commissioners to view state road from Waynesburg to the Virginia state line near Blacksville.

Commissioners to be sworn or affirmed.

Route to be marked.