

[No. 148.]

A N A C T

To settle the estates of John Nicholson and Peter Baynton.

Preamble. WHEREAS John Nicholson, died in the year eighteen hundred, indebted to this commonwealth, and other creditors, leaving a large landed estate: *And whereas*, by the existing laws, the said estate was subject to the fiscal lien of this commonwealth, and in order to render the said lien available, various acts have been done by the state officers under authority of law, with reference to seizing and retaining the title and other papers of said Nicholson, and selling portions of said land, by means of which the other creditors of said Nicholson have been unavoidably delayed in the enforcement of their debts, and the heirs of said Nicholson have been prevented from enjoying any balance of said estate, which might have resulted to them after payment of his debts: *And whereas*, the interests of the state, the rights of said creditors and said heirs, and the prosperity of the counties in which the said landed estate lies, requires that a speedy and just settlement of all questions connected with the estate of said Nicholson should take place: Therefore,

Court established. SECTION I. *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 a court to be styled and called "The Nicholson Court of Pleas for the state of Pennsylvania," be and hereby is created and established, to hold its sessions in Harrisburg, where it shall hear and determine all cases in relation to the estate of John Nicholson, deceased, except the claims of the creditors of said estate, and for the purpose of hearing and determining those claims, the said court shall hold its sessions in Philadelphia, and shall be composed of one judge learned in the law, to be appointed by the Governor, by and with the advice and consent of the Senate, and to hold his office until the Governor shall, on the final settlement of such estate dissolve the said court by proclamation, not however to exceed the term of four years from the date of his appointment, and the said court shall have all the legal and equitable powers vested in the courts of common pleas of this state, and full and exclusive jurisdiction to try, hear, and determine all claims and controversies whatever concerning the

Name.

Judge to continue 4 years.

Powers and jurisdiction of court.

right and title to land alleged to be the property of the said Nicholson, in his life time, and all other *questions relating to* the claims of heirs, creditors or other persons whatsoever, to said estate or the proceeds thereof, with power to fix the return days of all process, and make and enforce all rules, regulations and orders for conducting the business of said court, and to issue precepts, venire, writs, subpoenas and other process, for the summoning of jurors, parties and witnesses, as is now by law allowed in regard to the court of Common Pleas of Dauphin county, and with full power, both at law and in equity in regard to said jurisdiction, and the said court shall have a seal, having engraved thereon "Nicholson Court of Pleas Pennsylvania," and shall hold its sessions whenever ordered by the judge thereof: *Provided*, That public notice be given of the time and place of holding such court, for four weeks in two newspapers of the county in which the court is to be holden.

SECTION 2. All original mesne or final process issued out of the said court shall be directed to, and served and executed by the sheriff or coroner of the county, whenever the party to be served with the same resides, or can be found, and in case the residence of the party is not known, or is out of the commonwealth, the said judge shall direct a copy of said writ or process, to be published in one daily newspaper in the city of Philadelphia, one day in each week for six weeks successively, prior to the return day thereof, and such publication shall be deemed and taken by the court a good and effectual service of said writ or process upon the party aforesaid, and the fees to be allowed to sheriffs or coroners shall be the same as allowed by law for similar services, but mileage shall only be charged by them from the seat of justice of their respective counties, to the residence of the party on whom the process shall be served, and they shall charge such postage as they shall have paid thereon.

SECTION 3. That a board of three commissioners shall be constituted in the following manner, namely: the Governor shall nominate one person, a majority of the creditors whose claims have been reported and filed with the present commissioner, or any person authorized by them, shall nominate one person, and the heirs of the said Nicholson, or any person authorized by them, shall nominate one person to the judge aforesaid, who shall, if he approve thereof, appoint the commissioners thus nominated. And if either of the said parties shall neglect or refuse, after sixty days' notice, published in two daily newspapers of the city of Philadelphia, to nominate a commissioner, it shall be the duty of the judge to appoint a suitable person to fill, or if the nominee of either party shall refuse to act, the judge shall appoint a suitable person as commissioner, on the nomination of such party.

Seal.

Proviso.

Duties of sheriff or coroner.

Writs how served in certain cases.

Fees.

Mileage.

Commiss'rs. how appointed.

Powers and
duties of com-
missioners.

SECTION 4. That the said board of commissioners, or a majority of them, shall have full power and authority (subject to the confirmation of said court) to adjust, settle and compromise on behalf of the commonwealth, the other creditors, and the heirs of the said Nicholson, with any person or persons, who in any manner may claim or allege title to any of the lands and real estate, of which the said Nicholson died seized or possessed, in law or equity, on such terms as to the said commissioners shall appear most eligible, and their proceedings therein, when approved by the said court shall be final and conclusive on all parties; and in case a compromise cannot be thus made by the said commissioners with any claimant, they shall report the same to the judge of the said court

To report.

Sell.

who, thereupon, shall issue his process to the said commissioners, commanding them or a majority of them to sell such lands at public sale, and the said judge shall at such time as he may believe advisable issue his process, directing the public sale of all other lands or interest in lands in this commonwealth, which may be returned by the said board as the property or estate of the said Nicholson, without inquisition, and in all cases of sales so to be made by the commissioners, or a

Notice of sale.

majority of them, at least twenty days' notice shall be given of the time and place of sale by advertisements, in one newspaper printed in the county where the lands respectively lie, (if any be there printed, and if not, in one newspaper printed nearest to such county,) and also in two daily newspapers printed in the city of Philadelphia, and it shall be lawful for the said board to adjourn the sales from time to time, and place to place, as they may deem proper: *Provided*, That no purchase, either directly, or indirectly, shall be made on behalf of the commissioners aforesaid in their own right.

Proviso.

Terms of
compromise
and sale.

Duties of Sec.
Common'th.

SECTION 5. The said board shall fix the terms and conditions on which compromises and sales shall be made, and upon confirmation of such contracts by the said court, and deposit of the consideration money or securities into the said court, conveyances shall be made to the party by the Secretary of the Commonwealth, under the great seal of the state, and ratified by the judge of the said court under the seal thereof, granting and confirming unto the said party all the estate, right, title and interest, which John Nicholson had and held, of, in and to said lands, at the time of the commencement of the liens of the commonwealth against his estate.

Judges salary

SECTION 6. The said judge shall be entitled to receive out of the state treasury, one thousand six hundred dollars per annum, payable quarterly, and there shall be a clerk of said court appointed by the Governor, who shall be entitled to receive from suitors the same fees as are now by law allowed to the clerks and prothonotaries of courts, and the state shall be entitled to be reimbursed the said salary and contingent expenses of said

Clerks fees.

court out of the funds so as aforesaid, to be paid into the said Moneys now court; and the said court shall distribute all moneys paid into distributed. court according to the rights of the parties with writ of error, or appeal to the Supreme Court as in the Courts of Common Pleas of this commonwealth.

SECTION 7. All books and papers in regard to said estate Court to take now held by the state officers, shall be delivered into the charge of custody of the said court when required by the judge thereof. books and papers.

SECTION 8. If the judge to be appointed as aforesaid, shall come within any of the provisions of the thirty-seventh section Judge in cer- of the act entitled "an act relative to the organization of the tain cases to courts of justice, passed April fourteen, one thousand eight certify case to hundred and thirty-four," he shall certify such case into the Com. Pleas Court of Common Pleas of Dauphin or Philadelphia county, of Dauphin co at his election to be there tried and disposed of, which court shall have full power and authority to give judgment in such case according to law and equity with writ of error or appeal as aforesaid.

SECTION 9. Every act required to be done by the commis- Commiss'rs sioners aforesaid, shall be held good and valid if done by a subject to majority thereof, and the said commissioners shall be subject rules, &c. of to the rules, orders and decrees of said court, in regard to court. their ministerial duty, and shall receive such compensation out of the funds in court as the said judge shall allow and order, not exceeding three dollars per day, and the said court shall have power to fill any vacancy in said commission, and on cause shown, to remove any or all of the said commissioners, and appoint another, or others instead, such commissioner to be appointed conformably to the provisions of third section of this act.

SECTION 10. That from and after the appointment of the Office of judge aforesaid, the office of the present commissioner ap- Commiss'r pointed under the act of July second, eighteen hundred and under former thirty-nine, shall cease and determine, and the books, papers act abolished. and documents in his office, shall be under the care and control of the surveyor general of the commonwealth, who shall Duties of Sur deliver copies thereof, under his hand and the seal of his veyor Gen'l. office, which shall be as good evidence in any court of this commonwealth as the original might or could be, and the fees charged for such copies shall be the same as those for similar papers in the land office.

SECTION 11. The commissioner nominated by the Gover- Duties of nor and appointed by the judge, in conformity to the third Commiss'r section of this act, shall have full power to settle, adjust and nominated by compromise, with any person or persons, who in any manner Governor. may claim or allege title to any of the lands late the property of Peter Baynton, deceased, on such terms as to the said commissioner shall appear most eligible, and his proceedings therein, when approved by the Governor, shall be final and

Proceedings when compromise cannot be effected. conclusive on the commonwealth; and in case a compromise cannot be made, the said commissioner shall report the same to the Governor, who shall at such time as he shall deem proper, issue his process to said commissioner, and direct him to sell at public sale said lands; and all other lands or interest in lands which Peter Baynton claimed title to at the time of his death, either in law or equity, the said sale to be conducted in the same manner, and under the same restrictions as are contained in the fourth section of this act, and the terms and conditions of sale and compromise shall be fixed by the commissioner, and upon confirmation of said contract by the Governor, and deposite of the consideration money or securities with the State Treasurer, the Secretary of the Commonwealth shall make and execute a deed, under the great seal of the state, to the party for the property sold or compromised as aforesaid, as and for such estate and interest as the said Peter Baynton had, and held the same at the time of the commencement of the lien of the commonwealth against his estate.

Secretary of Com. to make deed.

Oath or affirmation of commiss'ss.

SECTION 12. The commissioners to be appointed in pursuance of this act shall, before they enter on the duties of their appointment, file with the judge of said court an oath or affirmation, taken and subscribed before some judge or justice of the peace, that they will, well, truly, and with due diligence, impartiality and fidelity perform the duties enjoined on them, agreeably to the true intent and meaning of this act.

Bonds for purchase money how collected.

SECTION 13. That the commissioner nominated by the Governor, and appointed conformably to the third section of this act, be and he is hereby authorized and required to collect the several sums due on bonds given to the state treasurer, for the purchase money of lands of John Nicholson, sold by the state commissioners to individuals, under the act of March thirty-first, one thousand eight hundred and six, and its supplements, as follows: He shall give at least three month's notice to the purchasers, their heirs or legal representatives, if resident within the county where the lands lie, or if they cannot be found therein, to the person or persons in possession of the land to come forward and pay to the treasurer of the commonwealth the amount due on said bonds, and in case of neglect or refusal to pay after notice thus given, the governor shall issue his process to the said commissioner, directing him to advertise and sell at public sale the lands for

Notice to purchasers.

Sale how conducted.

which the purchase money remains unpaid, as aforesaid, on such terms as he may deem eligible, the said sale to be conducted in the same manner, and under the same restrictions as those contained in the fourth section of this act (except that publication need not be made in two daily newspapers, printed in the city of Philadelphia :) *Provided*, That the said commissioner shall have full power to settle by compromise or

otherwise, with any person or persons, who in any manner may claim or allege title to any of the lands aforesaid.

SECTION 14. The said commissioner shall give a certificate ^{Certificate of} to the purchaser or person with whom the compromise is ^{compromise.} made, setting forth the terms of said sale or compromise, and upon confirmation thereof by the Governor and payment of ^{Confirmation.} the consideration money, not exceeding six months thereafter, to the state treasurer, the secretary of the commonwealth shall upon the production of said certificate, ratified as afore- ^{Sec'y to make} said, and the treasurer's receipt for the money, make and deed. execute a deed or deeds, under the great seal of the State to the party for the property sold or comprised, as aforesaid, as and for such estate as the said John Nicholson had and held the same, at the time of the commencement of the lien of the commonwealth against his estate.

SECTION 15. The said commissioner shall also have full ^{Powers of} power and authority to sell by separate tracts, or otherwise, ^{com'rs to sell} and to compromise with any person or persons who claim by ^{separate tracts} virtue of any adverse title any lands, late the property of John ^{or otherwise.} Nicholson, deceased, which were purchased in and for the use of the commonwealth, on such terms and conditions, and for such price as he may be able to ascertain will be just and reasonable: which private sale or compromise, when con- ^{Confirmation} firmed by the Governor, shall be final and conclusive on all ^{by Governor.} parties thereto. And in case it be found impracticable to sell or compromise, as aforesaid, the Governor shall issue his pro- ^{Proceedings} cess to the said commissioner, directing him to advertise and ^{when confir-} sell at public sale the lands aforesaid; the said sale to be con- ^{mation cannot} ducted in like manner and under similar regulations to those ^{be effected.} mentioned in the fourteenth section of this act, and the confirmation thereof: payment of the consideration money and execution of the deed, to be made and done in the same manner as and under similar restrictions to those contained in the fifteenth section of this act.

SECTION 16. The resolution of February eighteenth, one ^{Repeal of cer-} thousand eight hundred and thirty-nine, relative to the estate of ^{tain parts of} the late John Nicholson and Peter Baynton, and the eighth ^{former laws.} section of the act of July second, one thousand eight hundred and thirty-nine, entitled an act relating to the claims of this commonwealth against the estate of John Nicholson and Peter Baynton, and parts of acts hereby altered or supplied, be and the same are hereby repealed.

SECTION 17. All claims of the creditors of John Nicholson's estate, which have been presented to the commissioner appointed under the act of July second, eighteen hundred and thirty-nine, since the first of October, eighteen hundred and ^{Presentation} thirty-nine, and all claims that may be presented to the Judge ^{of creditors} of the court, aforesaid, before the first day of October next, ^{claims.} shall have the same force and effect, as if presented on or

before the first day of October last, any thing in the thirteenth article of the second section of said act to the contrary notwithstanding.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

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

DAVID R. PORTER.

[No. 149.]

AN ACT

To establish an Academy at Centreville, in the county of Crawford.

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 there shall be, and hereby is established in

Academy incorporated.

Name, style, and title.

Privileges, & franchises.

the village of Centreville, in Rome township, in the county of Crawford, an Academy or public school for the education of youth in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title, of the Centreville Academy, under the care and direction of six trustees, who, and their successors in office, shall be, and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the trustees of the Centreville Academy, and by the same name, shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere; and shall be capable in law and equity, to take and hold to them and their successors, for the use of said Academy, lands, goods, chattles and moneys, of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever, capable of making the same, and the same from time to time, to sell, convey or dispose of, for the use of said Academy, and to erect such buildings as may be necessary, and to make, have and use a common seal, and the same to break or alter at pleasure, and generally to do all and singular the matters and