

Proceedings
for neglect of
duty

to either of the said offices; and moreover, it shall and may be lawful for the deputy attorney general of said county, or any member of the said company, to file an information in the nature of a quo warranto, in the court of common pleas of said county, for any violation of the provisions of this act; and the same proceedings shall be had, and the same judgment or judgments rendered, as are prescribed by the act passed the fourteenth day of June, eighteen hundred and thirty-six, entitled "An act relating to writs of quo warranto and mandamus."

NER MIDDLESWARTH,

Speaker, pro tem of the House of Representatives.

JOHN H. EWING.

Speaker of the Senate.

APPROVED—The fifth day of March, A. D. eighteen hundred and forty-one.

DAVID R. PORTER.

[No. 38.]

AN ACT

Relating to the Estates of Thomas Palmer and James Cornish, deceased and for other purposes.

Preamble

WHEREAS, It hath been represented that Jacob Kern, administrator of the goods and chattles of George Palmer, late of the county of Northampton, deceased, did under color of an act passed by the general assembly of this State, on the sixth day of April, Anno Domini eighteen hundred and thirty-three, sell and convey unto a certain Abraham Iredell, since also deceased, a certain tract of land situate in the township of Horsham, in the county of Montgomery, containing about one hundred and ninety acres, more or less.

2d preamble

And whereas, It hath been suggested that the said tract of land was not unimproved, and therefore not subject to the control and disposition of the said Jacob Kern, within the true intent and meaning of the said act of assembly, but that the sale thereof was made under an erroneous construction of the said act, for a fair and valuable consideration; and that all the heirs of the said George Palmer, with the exception of the children of Thomas Palmer, deceased, who are yet minors, and therefore incompetent to act for themselves, are willing to ratify the same;

Therefore,

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 guardian or guardians for the time being legally constituted, of the estates of the minor children of Thomas Palmer, who was one of the heirs of George Palmer, late of the county of Northampton, deceased, be and he and they are hereby authorized to execute to the administrators of Abraham Fredell, deceased, a release of the interests of the said minors, in the said tract of land so as aforesaid sold and conveyed by the said Jacob Kern, unto the said Abraham Fredell, in his lifetime: *Provided however,* That the heirs of the said George Palmer who are of full age, shall execute the like releases on their parts: *And provided further,* That the orphan's court of the county of Montgomery, shall first be satisfied that the said sale was made bona fide, and for full and adequate consideration, and that the proceeds thereof have been either fully applied or secured, to be applied according to law for the benefit of those who were interested in the estate of the said George Palmer, deceased, and shall accordingly approve the said release of the interests of the said minors, in the tract of land so sold as aforesaid.

Guardians of
minor children
of Thos.
Palmer au-
thorized to e x
ecute release
to administ'rs
of Abm. Ire-
dell
Proviso

2d proviso

WHEREAS, James Cornish, late of the city of Philadelphia, deceased, did by his last will and testament, dated the nineteenth day of June, Anno Domini one thousand eight hundred and twenty-nine, devise unto his son Henry Cornish, his heirs and assigns, in trust, for the sole and separate use of his daughter Sarah Brooks, for and during the term of her natural life, with remainder over to the children of said Sarah, her surviving, and to the issue of such of her children as may then be dead, in fee, a certain ground rent of thirty-four dollars per annum, payable half yearly, and charged upon and issuing out of a certain lot of ground situate on the west side of Baron street, between Cedar street and Springett lane, in the said city: *And whereas,* It hath been represented, that in consequence of the non payment of the said ground rent, re-entry hath been regularly made upon the said premises, and the said ground rent thereby extinguished, and that the lot or parcel of ground out of which the same issued, hath been thereby re-vested in the trustee under the said will, upon the same trusts as are declared therein in relation to the said rent, but that the said lot being entirely unimproved and unproductive, the intention of the testator in devising the said rent for the support of the said Sarah and her children, will be entirely frustrated, unless means are provided for the improvement of the same:

Therefore,

SECTION 2. *Be it enacted,* That the trustee for the time being, of the said Sarah Brooks and her children, under the will of the said James Cornish, be and he is hereby authorized, with the

Preamble
Trustee of
Sarah Brooks

may mortgage certain premises
 Proviso
 Trustee to give security
 Proviso

assent and concurrence of the said Sarah, in writing first had and obtained, to raise by way of mortgage upon the said premises, a sum not exceeding two thousand dollars: *Provided*, That the said trustee shall first give security, to be approved by the orphans' court of the city and county of Philadelphia, for the proper application of the said money, to the erection of a dwelling house thereon: *And provided also*, That nothing in this act contained, shall be construed into an affirmance of any title in the said trustee in the said lot of ground, other or greater than such as he may have lawfully acquired by said re-entry.

School direct of E. B. tp Union co authori'd to execute a conveyance to Thos. Penny

SECTION 3. That Robert H. Laird, Jacob Gundy, William Perry, Samuel Zeller, Philip Frederick and Samuel H. Laird, school directors of East Buffalo township, in the county of Union, be and they are hereby authorized, to execute a deed of conveyance in fee simple, to Thomas Penny, of said township, his heirs and assigns forever, of all that certain piece of land with the appurtenances, situated in the said township, beginning at a small post at the north-west corner of the school house, and running along Matthias McPherson's line to a small dead maple, allowed to be fifteen rods and a half; and from thence along James Jenkins' line, fourteen and a half rods, to a small post corner; and from thence along Peter Epler's line five rods, to the place of beginning, allowed to be thirty-five rods more or less, being the same premises heretofore conveyed to John Snook and Eliza his wife, by deed dated the twenty-fifth day of October, one thousand eight hundred and thirteen, unto certain persons in trust for a school or meeting house, and afterwards sold at public auction, on the twenty-second day of February, one thousand eight hundred and forty, to said Thomas Penny, for the sum of thirty-seven dollars: *Provided however*, That the said purchase money shall be first paid and applied to the use of the fourth and fifth sub-school districts, in said township.

Proviso

Trustee of Martha Sutton authoriz'd to sell certain real estate

SECTION 4. That Mallachia Sutton, the surviving trustee of Martha Sutton and her children, be and he is hereby authorized to sell at public or private sale, and convey in fee simple a certain inlot, together with the appurtenances, situated in the borough of Indiana, in the county of Indiana, it being the same premises which Peter Sutton deceased, by his last will and testament, devised to Thomas Sutton, now deceased, and the said Mallachia Sutton, in trust and for the sole use and benefit of Martha Sutton, wife of Peter Sutton, for and during her natural life, and after her death to her children, and to re-invest the proceeds of the said sale in real estate in the same county, upon the same uses and trusts as the said premises are now held: *Provided however*, That the said sale shall first be approved by the orphan's court of the said county, and that the said trustee shall give such security as may be required by the

Proviso

said court, for the proper re-investment of the said proceeds, in pursuance of the provisions of this section.

SECTION 5. Whereas, the directors and stockholders of the *Mechanic's & Tradesman's insurance co of Philad'a* Philadelphia, have in due form of law complied with the provisions of the acts of assembly which incorporated said company, passed on the eleventh day of April, one thousand eight hundred and forty: therefore, be it enacted, that the Governor be and he is hereby authorized to issue letters patent to said company, *Letters patent to issue* under his hand and the seal of the State, declaratory of the rights, powers, privileges and perpetual existence granted to said company, by the said act of incorporation. And the said corporation are hereby authorized to reduce their capital stock *To reduce capital stock and shares* to two hundred and fifty thousand dollars, and the number of shares to twelve thousand five hundred; and the present directors of said corporation, shall continue in office until an election *Election* be held, under the provisions of the said act of incorporation, on the second Monday of January next; and at said election for directors, and at all elections thereafter, and at the meetings of the stockholders, each stockholder shall be entitled to one vote for each share held, but no stockholder shall be *Votes* entitled to vote unless the share or shares on which he or they may claim to vote, shall have been standing on the books of said corporation in his or her name, for at least thirty days previous to such election or meeting.

SECTION 6. That the president and directors of the common *Directors of com schools of city of Lancaster to borrow money* schools of the city of Lancaster, shall have full power and authority by resolution of their board, to borrow for the purpose of erecting school houses, any sum or sums of money not exceeding six thousand dollars, and to pledge by mortgage or otherwise, any or all of the real estate they may hold, for the security and repayment of the same, and that they be authorized to pay the interest accruing on the sum so loaned, out of the general funds of the said common schools.

WM. A. CRABB,

Speaker of the House of Representatives.

THOS. WILLIAMS,

Speaker pro tem. of the Senate.

APPROVED—The twelfth day of March, Anno Domini eighteen hundred and forty-one.

DAVID R. PORTER.