

# L A W S

OF

## P E N N S Y L V A N I A .

[No. 1.]

### A N A C T

To quiet the title to certain lands granted for the use of William R. Smith in tail male general, and for other purposes.

WHEREAS, William Smith, D. D., deceased, by his deed dated first March, one thousand eight hundred and three, recorded in the county of Huntingdon, in book I, page forty-five, granted and conveyed four several tracts or parcels of land, situate in said county, and therein described, unto the honorable Thomas Smith, Esquire, and Benjamin R. Morgan, Esquire, in trust for the use of his grand child, William R. Smith, and the eldest male heir of his body lawfully begotten, and the said William R. Smith, and Eliza his wife, by their deed dated fourth January, one thousand eight hundred and seventeen, recorded in said county in book P, page one hundred and sixty-four, with the intent of barring said estate tail, in pursuance of an act to facilitate the barring of entails conveyed the same tracts and parcels of land unto Thomas Montgomery, which said deed was duly acknowledged in open court and recorded; but by inadvertence, or otherwise, the Prothonotary of said court neglected to enter the same on the records thereof, as required by said act; Therefore

Preamble

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 Court of Common Pleas of Huntingdon county, be and the same is hereby authorized to receive proof of the facts herein stated, and if the said court shall be satisfied on hearing the evidence that the Prothonotary of the Court at the time the said deed was acknowledged

Entail how barred of heir of William Smith

## LAWS OF PENNSYLVANIA

neglected to make an entry on the records of the said Court, in conformity to the provisions of the second section of an act entitled, "an act to facilitate the barring of entails," passed on the sixteenth day of January, one thousand seven hundred and ninety-nine, then the said Court is hereby authorized and required to order the Prothonotary of said Court for the time being to make the said entry upon the said records *nunc pro tunc*, which said entry shall be as effectual for the purposes for which the said deed was executed as if the same had been legally made by the proper officer at the time the said deed was acknowledged in open Court.

**SECTION 2.** That Thomas H. R. Tracy, Benjamin H. Throop, Charles Fuller, their associates, successors, and assigns, be and they are hereby constituted a body politic and corporate by the name, style and title of the Phœnix Iron and Coal Company, for manufacturing iron with anthracite coal and converting the same into any form of commercial value, and mining of coal, with a capital of two hundred thousand dollars, and the said company may hold, not exceeding two thousand acres of land, in Providence and Pittston townships, Luzerne county, and shall have power to locate and construct a rail-road with one or more tracks from any point or points on their lands to intersect the North Branch Canal or the Delaware and Hudson Canal and Rail-road, at such places as they may deem most convenient, or any other rail-road leading to the state improvements or works connected therewith, and the company hereby incorporated shall have the same powers and immunities, and be subject to the same terms and conditions that are provided in the act to incorporate the Pennsylvania Coal Company, passed the sixteenth day of April eighteen hundred and thirty-eight, and the supplements thereto, *Provided*, That an annual return to the Auditor General of the amount of dividends shall be made under oath or affirmation of the president or secretary, and that six per cent of said amount when the same shall exceed six per cent shall be paid into the State Treasury.

**SECTION 3.** That the Canal Commissioners be and they are hereby authorized and required equitably to assess and adjust any damages that may be sustained by John Webster, of Downingtown, Chester county, by the removal of his barn to an inconvenient distance from his dwelling house, in conformity to an act of Assembly, passed the thirteenth of June, one thousand eight hundred and forty, and in the event of the Canal Commissioners not agreeing with him, the said John Webster, as to the amount of damages so sustained, then the said Commissioners be and they are hereby authorized to cancel and annul the said contract, and nothing herein contained shall be construed to effect the rights of either the said John

Phœnix iron and coal company incorporated

Capital

Location

Railroad

Powers and privileges

Dividends

Canal comr's to assess damages of John Webster

Webster in the event of the destruction or injury of the said property hereafter.

WM. A. CRABB,

*Speaker of the House of Representatives.*

JN. H. EWING,

*Speaker of the Senate.*

APPROVED—The seventh day of January, one thousand eight hundred and forty-two.

DAVID R. PORTER.

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[No. 2.]

## AN ACT

To authorize Tobias Myers, guardian of Samuel H. Keller, minor child of Peter and Hetty Keller, to convey certain real estate, and for other purposes.

WHEREAS, It is represented that Samuel Ewalt, late of Allegheny county, deceased, by his last will and testament, bearing date the twentieth day of May, in the year of our Lord one thousand eight hundred and forty-one, did inter alia, grant, and devise "unto Samuel H. Keller, son of Peter and Hetty Keller of said county, twenty acres of land, together with the building on the same; *On a proviso*, That he the said Samuel H., his heirs, executors, or administrators, or any of them, will relinquish all right or title to a certain house in the city of Pittsburg, county aforesaid, known by the name of Cowen's warehouse, and if the said Samuel H., his heirs, or executors, continue to claim the said house, then the said bequest to become null and void."

AND WHEREAS, The said Samuel H. Keller, being a minor, under the age of fourteen years, at an Orphans' Court held in said county, on the sixteenth day of November one thousand eight hundred and forty-one, did in due form make choice of Tobias Myers, as guardian of his person and estate, which choice has been ratified by said Court, and a certificate of the same issued to the said Tobias.

AND WHEREAS, It is deemed advisable and greatly for the interest of the said Samuel H. Keller, that the condition annexed to the above recited devise should be fully complied with, but there being no adequate provisions in law to enable the said Tobias, guardian as aforesaid, to execute a good and