

shall be subject to the power of partition given by the said will, which shall in no case be prejudiced by such exchanges.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

JOHN STROHM,

Speaker of the Senate.

APPROVED—The second day of March, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 29.]

AN ACT

Authorizing Jacob Frantz and John Hershey, or the survivor of them, to sell and convey certain real estate, 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 Jacob Frantz and John Hershey, or the survivor of the committee of John Frantz, of Lampeter township, in Lancaster county, are authorized to sell at public sale the plantation of the said John Frantz, in said township, adjoining lands of Isaac Evens, Abraham Witmer, Christian Siegrist, and others, containing about one hundred and fifty acres. Eight thousand dollars of the purchase money to remain charged on said plantation, the interest to be annually paid for John Frantz, during his life, and to his wife, during her life if she survives him, and at the death of the survivor of them, said eight thousand dollars to be paid in equal shares to his children or their legal representatives; the residue of the purchase money after payment of the sum that may be due to Jacob Frantz and John Hershey, for maintenance of John Frantz, and the expenses of sale to be divided in equal shares among the children of John Frantz, or their legal representatives, the terms of sale in other respects to be fixed by the court of common pleas of Lancaster county, and before confirmation of sale, security to the satisfaction of said court is to be given.

SECTION 2. That William Conard, of Lampeter township, Lancaster county, is hereby authorized to sell and convey

Wm. Conard about one acre and twenty-two perches of land in said town-authorized to ship, adjoining the Philadelphia and Lancaster road, and sell certain property which was conveyed to Abraham Conard, father of said William, by John Weidler, and Catharine his wife, and William Tombo, and Mary his wife, by deed dated seventh September, one thousand eight hundred and twenty-five, in trust for Sarah Griffith: *Provided*, Before said William Conard shall execute any deed for the aforesaid lot of ground, he shall give bond with such security as the orphans' court of Lancaster county shall direct, conditioned for the proper investment of the money arising from said sale, and the application of the proceeds thereof, for the uses and purposes mentioned in said deed.

Proviso

Certain prop-erty of John Pawling de-ceased to be sold

SECTION 3. That Benjamin Reiff, and Henry Loucks, of of the county of Montgomery, and William A. Crabb, of the city of Philadelphia, be and they are hereby authorized to sell and convey in fee simple, a certain house and lot or piece of ground, situate on the west side of Second street, opposite the new market in the city of Philadelphia; it being the same premises which John Pawling, by his last will and testament in writing, since his decease duly proved, and remaining on file in the register's office, in and for the county of Montgome-ry, devised to his daughter Rebecca Lynch for life, and in the event of her dying without lawful issue, as she has done, it was according to the terms of said will to revert to and be-come the estate of all the other daughters of the said John Pawling, or their legal representatives: *Provided always*, That before the said Benjamin Reiff, Henry Loucks, and William A. Crabb, shall execute any deed for the aforesaid premises, to the purchaser thereof, they shall give bonds with such security as the orphans' court of the city and county of Philadelphia shall direct, conditioned for the faithful discharge of their duty and the proper and legal distribution of the money arising from such sale, to and among all the parties entitled to receive the same, under the direction of the orphans' court aforesaid.

Proviso

Trustees of German school in Franklin Co to sell certain property

SECTION 4. That Benard Walter, Charles Hartman and Samuel Snively, trustees of the German school in the bo-rough of Greencastle, Franklin county, are hereby authorized to sell and convey a certain house and lot in the borough of Greencastle, Franklin county, situated on the east side of East street, and known in the general plan of said borough as lot number eighty, and that they or their successors are to make a distribution of the proceeds of the sale thereof amongst the sev-eral congregations, in proportion to the amount contributed by each congregation, in the purchase of said lot, and erection of said school house, thereon: *Provided however*, That if there shall be any dispute as to the right of any of the said congregations

to any of the said money, the trustees shall pay the same into the courts of common pleas of Franklin county, whereupon the court shall proceed in the manner pointed out by the act passed the sixteenth day of April, one thousand eight hundred and twenty-seven, entitled "an act relative to the distribution of money arising from sheriff and coroners' sales, and relative to the duties of the auditor general and county commissioners, to make distribution of the same among the said congregations, according to their rights respectively, in the same, from which decision there may be a writ of error or appeal as in other cases.

SECTION 5. That the borough constable of the borough of Mercersburg, in the county of Franklin; and the constables of the borough of Cannonsburg, in the county of Washington, upon giving such security as shall be approved by the court of quarter sessions of the respective counties of Franklin and Washington, in the manner and form now required by the law of the constables of said counties, shall have like powers and be subject to the same duties and penalties as other constables of said counties. Constables of
Mercersburg
and Cannons-
burg

SECTION 6. That Abraham Hartman, of Alsace township, Berks county, one of the legatees under the last will and testament of Valentine Hartman, deceased, be and he is hereby authorized to sell and convey all the real estate devised to him in said will: *Provided*, That before the execution of the deed for the conveyance of said real estate, he shall give security to the Orphans' court of Berks county, that the proceeds of such sale shall be applied to the purchase of other real estate, to descend to his heirs or legal representatives, as provided in said last will and testament. Abraham
Hartman
authorized to
sell real estate

SECTION 7. That Joseph Mifflin and Julia Ann his wife, late Julia Ann Stewart, daughter of Doctor Alexander Stewart, late of the borough of Shippensburg, Cumberland county, Pennsylvania, be and are hereby authorized and empowered to sell the real estate devised by the said Doctor Alexander Stewart, deceased, to the said Julia Ann and her children, and to execute a deed or deeds of conveyance to the purchaser or purchasers thereof, which said deed or deeds regularly executed by the said Joseph Mifflin and Julia Ann his wife, shall vest the fee simple estate in the said properties in the purchaser or purchasers thereof: *Provided however*, That no such sale of the property aforesaid, shall be valid and effectual in vesting the fee simple estate in the properties aforesaid, in the purchaser or purchasers thereof, unless the said Joseph Mifflin previous to the execution and delivery of the deed or deeds as aforesaid, shall enter into *recognizance* in the orphans' court of the said county of Cumberland, in such sum as the said court shall deem proper, conditioned for the faithful in- Joseph Miff-
lin and wife
authorized to
sell certain
real estate

vestment of the proceeds of such sales, so as aforesaid authorized, to be made in other landed property for the benefit and use of the children of the said Julia Ann Mifflin, after the death of the said Julia Ann.

John Hoy's
committee au-
thorized to
invest money

SECTION 8. That Samuel Levensgood, committee of the person and estate of John Hoy, an habitual drunkard of Tulpehocken township, Berks county, be authorized to invest the sum of about five hundred dollars of the money of said John Hoy, in trust for him, in such real estate by purchase as the said Samuel Levensgood, may deem proper under the direction of the court of common pleas of said county.

Bucks coun-
ty Nockamix-
on township

SECTION 9. That it shall and may be lawful for the qualified voters of the township of Nockamixon, in the county of Bucks, to assemble at the time and place appointed by law for holding the annual election for constable in said township for the year one thousand eight hundred and forty-two, and then and there decide by ballot, whether it be expedient to divide said township or not. Notice of which meeting and the object thereof shall be given by the constable of said township, in not less than twenty printed or written advertisements, to be set up in as many public places in said township, at least ten days before said meeting.

Division de-
termined

SECTION 10. The election to determine the wish of the citizens on the subject of the division of said township shall be held and conducted by the officers, and in the manner appointed by law for holding and conducting constables elections therein, and said officers shall be sworn or appointed according to law, to perform their duties under this act with fidelity.

Election how
held

SECTION 11. The officers of said election shall receive from every qualified voter, as aforesaid, a written or printed ticket containing the word "division," or the words "no division," and shall continue without adjournment until the electors who shall come to the said election shall have an opportunity to give in their respective votes, and the judges of the said election shall count the votes, and if a majority shall contain the words "no division," the said judges shall certify and transmit such result to the clerk of the court of quarter sessions of said county, which shall be entered of record. If it be ascertained by the said officers of said election, that a majority of the votes shall contain the word "division," the judges aforesaid, shall likewise certify and transmit such result to the clerk of the court of quarter sessions aforesaid, who shall enter the same of record, and the return in either event shall be made to the said clerk of the sessions within five days after the day on which said election is held.

Powers of
court quarter
sessions

SECTION 12. The court of quarter sessions of the said county, shall have power upon the application of fifteen or more of the qualified voters in said township, and upon suffi-

cient evidence being produced of undue election, to set aside the return of said election, and to order and direct another election to be held in the manner prescribed by this act, by the officers who conducted the last preceding constables election, and at such time as the court may direct.

SECTION 13. Unless application aforesaid be made to set aside the return of said election, during the session of the court next succeeding the same, shall be confirmed, and when the return of said judges, certifying that a majority of the votes contain the words "no division," shall be confirmed by the court, no proceedings shall be entertained in the same on the subject of the division of said township, under the act of fifteenth April, one thousand eight hundred and thirty-four, for the period of three years, from and after the day of said election.

SECTION 14. That William M. Gray, and John Bloom, as trustees to the German Lutheran Church in the borough of Sunbury, Northumberland county, be and are hereby authorized and empowered, to sell and convey in fee simple, a certain lot of ground in the said borough of Sunbury, situate on Whortleberry street, and marked in the general plan of said borough, with the numbers two hundred and sixty-seven, with the appurtenances, and a good and sufficient deed and assurance in law, to make for the same to the purchaser or purchasers thereof: *Provided*, That before the said trustees shall proceed to execute the powers hereby conferred upon them, they shall give bond to the commonwealth with sufficient security, to be approved of by one of the associate judges of the courts of said county, for the faithful execution of the trust hereby reposed in them, and for the faithful application and payment of all moneys, which may come into their hands as trustees, as aforesaid, under the direction of the proper authorities of said church.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The third day of April one thousand eight hundred and forty-two.

DAVID R. PORTER.