

the death or resignation of any or either of the trustees," a certain lot of land in Schuylkill township, Chester county, containing twenty-five perches of land more or less:

And whereas, A school house was erected on said lot, and has been used as such, but which, since the adoption of the common school system, is, in consequence of its proximity to the township line, too inconvenient for the purposes for which it was designed; therefore,

Trustees authorized to sell a certain lot of ground

That Joseph Buckwalter, Benjamin Hartman and Moses Robinson, (the last trustees elected in pursuance of the provisions of said deed,) or any two of them be and they are hereby authorized to sell, at public or private sale, the lot of land aforesaid, bounded by land of Simeon Buzzard, Benjamin Wagoner and Jacob Vanderslice, and the building thereon, and convey the same to the purchaser in fee simple, and to apply the proceeds of said sale, first to the payment of all debts which were contracted or incurred in the erection of the said school house, and which remain unpaid, with interest, and the remainder, after deducting expenses of sale, to be paid in equal proportions to the directors of common schools of the townships of Schuylkill and East Pikeland, to be applied to common school purposes.

Proceeds of sale, how applied.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 261.

A N A C T

Authorizing Mordecai R. Moore, Thomas F. Shewell, Charles Weiss, Samuel J. Work, and William W. Work, George Chorpensing, guardian of the minor children of William Fayman, Joseph Horner, committee of William Horner, Joseph Godfrey and Michael Reed, to sell and convey certain real estate; relative to certain deeds of trust, affecting the interests of Catharine Benninghove and Eliza Ann Hodgson; to enable William Fitcher to execute a mortgage; to validate a certain mortgage executed by Aaron Dewald; authorizing George Arcularius to convey certain real estate, and empowering the commissioners of Mercer county, to sell certain real estate, and to borrow money.

Preamble.

WHEREAS, William Holstein, senior, and William H. Holstein and George W. Holstein, executors of the last will and testament of George W. Holstein, late of the township of Upper Merion, in the county of Montgomery, and state of Pennsylvania, deceased, by their indenture, dated the seventh day of April, Anno Domini, one thousand eight hundred and forty-two, did grant and convey to Mordecai R. Moore, trustee of Rebecca Conrad, late Rebecca Cotton, of the said township of Upper Merion, and William Cotton of the same place, a certain plan-

tation and tract of land, situated in the said township of Upper Merion, as is described in said indenture, duly recorded, to have and to hold the said plantation and tract of land, to the said Mordecai R. Moore and William Cotton, in manner as follows, to wit: one undivided moiety or half part thereof, to the said Mordecai R. Moore, his heirs and assigns forever, in trust nevertheless, for the sole and separate use, benefit, and behoof of the said Rebecca Conrad, late Rebecca Cotton, during her natural life, and after her death, to convey the same to her heir, in fee simple, or to such person or persons, and in such manner as she may designate by any will or writing, or paper, in the nature of a last will and testament, the other undivided moiety or half part thereof, to the said William Cotton, his heirs and assigns, to the only proper use and behoof of the said William Cotton, his heirs and assigns forever:

And whereas, It is believed it will be greatly for the interest of the said Rebecca Conrad, late Rebecca Cotton, and for all the parties interested, that the said undivided moiety, or half part of the said real estate so held in trust, should be sold, freed and discharged from the said trust, and the purchase money invested on good security at interest, to be applied as is hereinafter provided and directed; 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 Mordecai R. Moore, trustee of Rebecca Conrad, late Rebecca Cotton, is hereby authorized and empowered to sell at public or private sale, the said undivided moiety, or half part of the real estate above described, and execute, make, and deliver to the purchaser or purchasers thereof, a deed or indenture, conveying the same in fee simple, freed and discharged from all and every the said trust, and the proceeds of sale to be held in trust by the said Mordecai R. Moore, and to be by him placed and kept at interest by loan or loans, secured by mortgage or mortgages, judgment or judgments on good real estate security, and the said proceeds of sale to be held by the said trustee for the same uses and trusts, as the real estate is now held: *Provided*, That the said trustee is hereby authorized to pay over from time to time to the said Rebecca Conrad, such portion or portions of the moneys arising from the same hereinbefore provided for, and at such time or times as the judges of the court of common pleas of Montgomery county, or a majority of them may approve and direct upon application being made to them, in the usual manner for that purpose; and in case of the payment or payments by the said trustee, of any portion or portions of the moneys arising from the sale aforesaid, in pursuance hereof, the said trustee to hold the balance of such moneys remaining after such payments as aforesaid, for the same uses and trusts as the real estate is now held: *And provided further*, That before this act shall become operative, the said trustee shall give security, to be approved of by the court of common pleas of Montgomery county, for the faithful execution of the trust hereby created.

Mordecai R. Moore, trustee of Rebecca Conrad, late Rebecca Cotton, authorized to sell certain real estate.

Proviso.

WHEREAS, Aaron Dewalt, of the city of Philadelphia, did on the seventh day of December, Anno Domini, one thousand eight hundred and forty-eight, make and execute a certain mortgage to Albert B. Ashton, his heirs and assigns, conditioned for the payment to the said Albert B. Ashton, his heirs and assigns, of the sum of fifteen hundred dollars, within one year from the date thereof: *Preamble.*

And whereas, The said Aaron Dewalt was at the time of giving and executing said mortgage, and is now a minor; therefore, for the purpose of promoting justice, and giving validity to said mortgage—

A certain mortgage given by Aaron Dewalt made valid.
 Proviso.

SECTION 2. That the mortgage given and executed by the said Aaron Dewalt, as aforesaid, shall be deemed and taken to be good and valid in law, notwithstanding the minority of the said Aaron Dewalt: *Provided*, That said mortgagor shall acknowledge the same, in the usual form, before one of the judges of the court of common pleas of Philadelphia, and the said mortgage shall be duly recorded.

Thomas F. Shewell authorized to sell the estate and interest of Ann G. Anderson, Sarah B. Anderson, Benjamin B. Anderson and Alexander G. Anderson, minor children of Sarah Anderson, deceased, of and in a certain yearly ground rent.
 Proviso.

SECTION 3. That Thomas F. Shewell, of the city of Philadelphia, be and he is hereby authorized to sell and dispose of, at private or public sale, all the estate and interest of Ann G. Anderson, Sarah B. Anderson, Benjamin B. Anderson and Alexander G. Anderson, minor children of Sarah Anderson, deceased, of and in a certain yearly ground rent of five hundred and thirty-three dollars and one-third of a dollar, issuing and payable out of a lot on the south side of High street, and east side of Delaware Third street, in the city of Philadelphia, containing in breadth, on High street, twenty-five feet, and in length on Third street, eighty feet; and that he shall have full power and authority to execute a deed or deeds, in fee simple, to the purchaser for the same: *Provided*, That upon such sale, by virtue of this act, the said Thomas F. Shewell shall give security to the satisfaction of the orphans' court for the city and county of Philadelphia, for the faithful application of the proceeds of said sale, agreeably to the directions of the said orphans' court, which shall be a full and complete discharge of the liability of the purchaser to see to the application of the purchase money; and the said court is hereby authorized and empowered to direct the payment of said purchase money to the guardian of the said minor children, to be invested and applied for their use and benefit.

Preamble.

WHEREAS, Susan R. Weiss, the wife of said Charles Weiss, is laboring under mental disability, by reason whereof he hath been prevented from selling or disposing of his real estate; now, therefore,

Charles Weiss authorized to sell certain real estate without the consent of his wife.

SECTION 4. That Charles Weiss, of the county of Philadelphia, be and he is hereby authorized, by himself and without his wife, to grant, bargain, sell and convey his real estate, or any part thereof, in fee, upon ground rent or otherwise, freed and discharged from the dower, or right of dower, estate, interest or claim, whatever, of his wife, Susan R. Weiss, therein, or to any part thereof, and so that the purchaser or purchasers of the same shall take and receive as good and valid a title, and as free from dower, or right of dower, or estate, or interest of the said Susan R. Weiss therein, as if the said Susan R. Weiss was made a party to the conveyance of said real estate, or any part thereof, and had duly and legally executed and acknowledged the same.

Court of common pleas of Philadelphia county authorized to direct the trustee under a certain indenture to re-convey.

SECTION 5. That the court of common pleas of Philadelphia county is hereby authorized, at its discretion, to direct and require the trustee under a certain indenture, a deed of trust executed by Catharine Benninghove on the seventeenth day of May, one thousand eight hundred and thirty, and recorded in the office for recording deeds for the city and county of Philadelphia, in deed book A M, number two, page one hundred and eighty-nine, and so forth, whereby certain personal estate belonging to said Catharine, was intended to be secured to herself and children, to re-convey the same to the said Catharine, and upon such conveyance and transfer of the said property to discharge the trustee from all liability on account of the said trust: *Provided*, That such authority shall not be exercised, except on the application of the said Catharine, to be made in writing to the said court.

Proviso.

Heirs of Andrew Work authorized to sell certain real estate.

SECTION 6. That Samuel J. Work and William W. Work, heirs of Andrew Work, late of Air township, Bedford county, deceased, or the survivor of them, be and they are hereby authorized to sell, at public or private sale, the real estate of said deceased, situate in the said

county of Bedford, or elsewhere, and to make, execute and deliver to the purchaser or purchasers of said real estate, or any part thereof, a deed or deeds, in fee simple, for the same, upon the payment of the purchase money.

SECTION 7. That the said Samuel J. Work and William W. Work shall, before acting under the powers granted by the foregoing section of this act, give bond in such sum and manner as may be ordered by the orphans' court of the county of Bedford, with security, approved by said court, for the faithful appropriation and application of the proceeds of said real estate, according to the true intent and meaning of the last will and testament of the said Andrew Work, deceased. To give bond.

WHEREAS, Philip Reed, late of Franklin county, deceased, by his last will and testament, directed that the share of his estate coming to his daughter Elizabeth, intermarried with John Wertz, should be held by his executors in trust, for the said Elizabeth, and should be invested in real estate, for the benefit of herself and family; in pursuance of which direction, a considerable portion of said share was expended in purchase of a tract of land, from the administrators of Benjamin Bisel, deceased, situate in Napiers township, Bedford county, containing one hundred and eighty-nine acres and fourteen perches, and allowance, on which the said Elizabeth and her family have since resided: Preamble.

And whereas, It is now ascertained that it is not for the benefit of the said Elizabeth and her family, that said land shall be retained, and that the price thereof could be much more advantageously invested elsewhere, which all parties interested desire to have done:

And whereas, The said executors, either as trustees or otherwise, have no power under the will of the said Philip Reed, nor by reservation in the deed made to them for said land, to sell and convey the same; therefore,

SECTION 8. That Michael Reed, Esq., the acting executor and trustee under the said will for the time being, (his co-executor having removed from the state,) or his successor appointed by the orphans' court of Franklin county, shall be and is hereby authorized to sell and dispose of the aforesaid tract of land, either at public or private sale, and to convey the same to the purchaser or purchasers thereof, in fee simple, and discharged from all trusts and restrictions which may be imposed by the said will, and to invest the proceeds thereof in real estate in the said county of Bedford or elsewhere, according to the will of the said P. Reed, deceased: *Provided*, That before selling the same, the trustee or trustees shall first give bond to the commonwealth, for the use of the said Elizabeth Wertz, with security, to be approved of by the president, or either of the associate judges of Bedford county, and filed in the office of the clerk of the orphans' court of said county, conditioned for the faithful appropriation of the proceeds of the said land according to said will. Michael Reed, acting executor of P. Reed, deceased, authorized to sell certain real estate.

WHEREAS, On the eighth day of July, one thousand eight hundred and twenty-four, Samuel Castor, by indenture recorded at Philadelphia, in deed book, conveyed unto John M'Clum, certain premises in the county of Philadelphia, in trust nevertheless for the use of Sophia, wife of John P. Johnston, in the manner particularly set forth in said deed: Preamble.

And whereas, Doubt has existed whether by the terms of the said deed, a right to execute a mortgage which shall be valid and effectual in the law, exists in the trustee under said deed:

And whereas, It is desired by the trustee and by the cestui que trust under said deed, that such a power shall be held and possessed by the trustee under said deed; therefore,

William Futcher, **SECTION 9.** That it shall and may be lawful for William Futcher, trustee of Sophia, present trustee under said deed, or any future trustee thereunder, to execute mortgages of the premises thereby conveyed, or of any part of the same, and that such mortgages shall be in all respects as valid and effectual in the law, as if a power to mortgage were given to the trustee in express terms in said deed: *Provided however,* That no mortgage of said premises shall be effectually made by the trustee, without the consent of the cestui que trust thereto, such consent to be testified by her joining with the trustee in the execution of such mortgage, and by her acknowledging that she executes the same voluntarily and of her own free will and accord.

Certain deed of **SECTION 10.** That a certain deed of trust made the sixth day of July, one thousand eight hundred and thirty-nine, between Eliza Ann Stow, of the city of Philadelphia, of the first part, John Hodgson, of said city, of the second part, and Paul G. Oliver and John C. Mitchell, of the same city, of the third part, and recorded in the office for recording deeds, et cetera, for the city and county of Philadelphia, in deed book G S, number nine, page one hundred and forty-four, et cetera, be and the same is hereby cancelled and annulled; and the said estate now held in trust under the provisions of the said deed, shall from and after the passage of this act, devolve upon the said Eliza Ann Hodgson, and be fully held and enjoyed by her according to the provisions of the sixth, seventh, eighth, ninth and tenth sections of an act, entitled "A supplement to an act, entitled 'An Act relative to the Le Raysville Phalanx,' passed March, Anno Domini, one thousand eight hundred and forty-eight; and relative to obligors and obligees; to secure the rights of married women; in relation to defalcation; and to extend the boundaries of the borough of Ligonier."

George Chorpen- **SECTION 11.** That George Chorpenning, guardian of Susan B., Lavan D. H., Abraham A., George H., Elizabeth A., and William H. Fayman, minor children of William Fayman, late of Somerset township, Somerset county, deceased, is hereby authorized and empowered to convey in fee simple, by deed to David Lavan, all the right, title, interest and claim of the said minors, in and to the undivided two-thirds parts, and to Peter P. H. Walker, the remaining undivided third part of a certain plantation or tract of land, situate in the township of Somerset, Somerset county, adjoining lands of Jonas Shallis, Michael Stern, Peter Auman, Jacob Baker and others, containing one hundred and eighty acres, one hundred and thirty acres cleared, with house, barn and other buildings thereon erected, which said tract of land was sold by George Mowry, then high sheriff of Somerset county, to William Fayman, in his life time, and deed acknowledged on the twenty-eighth day of April, one thousand eight hundred and forty-three.

Preamble. **WHEREAS,** William Horner and Hugh Horner hold together and undivided the title to the lands hereinafter mentioned, and the said William Horner is indebted to a considerable amount without means of paying the same, except from the sale of his interest in said lands; and the said William having been declared a lunatic, his committee and next of kin have agreed that it will be for his advantage to sell and convey his interest in said lands to his co-tenant, Hugh Horner, for the consideration hereinafter mentioned, in order to pay off his debts, and invest the surplus for his benefit; therefore,

Joseph Horner, **SECTION 12.** That Joseph Horner, committee of the estate of William Horner, of the county of Northampton, who has been duly declared a lunatic, be and he hereby is authorized and empowered to sell and convey to Hugh Horner, esquire, and to his heirs and assigns, the undivided moiety or half part of and in a certain messuage, tenement

and tract of land, situated in, formerly, Allen township, Northampton county, now principally, if not altogether, in East Allen township, in said county, adjoining lands of David Deshler, George Audenreid and others, containing two hundred and twenty-two acres, or thereabouts, more or less; and, also, the undivided moiety, or half part of and in a lot of wood land, situated in Moore township, in the said county, containing eight acres and seventy-five perches, or thereabouts; more or less, together with the appurtenances thereunto respectively belonging, for the consideration of seven thousand and fifty dollars, to be paid by the said Hugh Horner therefor.

SECTION 13. That the said Joseph Horner, committee as aforesaid, To pay off debts, shall, from the proceeds of such sales, pay off and discharge all the &c. debts justly due and owing by the said William Horner to his several creditors, and invest the surplus in safe securities on real estate, or in public stocks, as the court of common pleas of Northampton county shall direct and approve, for the maintenance and support of the said William Horner, during life, or until his restoration to sanity: *Pro-Provido.* *vided,* That the said Joseph Horner, before making such conveyance, shall give bond to the commonwealth of Pennsylvania, for the use of the parties interested, in such sum and with such security as the said court shall direct and approve, for the faithful execution of the duties hereby confided to him.

SECTION 14. That Joseph Godfrey, guardian of the person and estate of Jane Vadakin, a minor daughter, Frederick Vadakin, late of the township of Canaan, county of Wayne, state of Pennsylvania, deceased, be and he is hereby empowered to sell and convey by either public or private sale, all the right, title, and interest of the said minor, of and in a certain lot of land, situate in the township of Canaan, county of Wayne, state of Pennsylvania, bounded as follows, viz: beginning at a post the south-west corner of Charles Stanton's; thence by land of said Stanton, east two hundred perches to stones by a beech, the south-west corner of said Stanton's land, and in the line dividing numbers thirty-four and thirty-five; thence by numbers thirty-four and forty, one hundred and sixty perches to stones; thence by other land of Elk Forrest, and land bargained to Edward Carr, west two hundred perches to stones, by sugar sapling, in late Robert Horner, east line; thence by land late of Robert Horner and John Fokes, to the place of beginning, containing two hundred acres, strict measure, more or less, in fee simple, by deeds, and with the same effect as if the said Jane Vadakin were of full age, and had conveyed the same: *Provido.* *That before the said Joseph Godfrey, guardian of said Jane Vadakin, shall convey as aforesaid, he the said Joseph Godfrey, shall give bond in such sum, and with such sureties as the orphans' court of the county of Wayne aforesaid, shall direct, conditioned for the faithful discharge of his duty as guardian as aforesaid, and the proper application of the purchase money coming to his said ward, which proceedings shall be approved by the said court.*

Joseph Godfrey,
guardian of Jane
Vadakin, author-
ized to sell cer-
tain interest in
real estate.

SECTION 15. That George Arcularius, of the city of New York, George Arcula- (who holds the title to certain lands in Clearfield county, in trust, et rius authorized to cetera,) be and he is hereby authorized and empowered to convey to sell certain real George R. Barrett and Christopher Kratzer, of the borough of Clear-estate. field, two several tracts of land situate in Lawrence township, Clear- field county, on the waters of Clearfield creek, one tract warranted in the name of James Stewart, containing two hundred and ninety-five acres, and ninety-five perches, with the usual allowance, et cetera, and one tract warranted in the name of Samuel Brown, containing two hundred and fifteen acres, with the usual allowance, et cetera, by a deed of

conveyance as trustee for the owners, which when executed and delivered to them, shall be considered and deemed to pass the title to them, in fee simple, and as fully and effectually to all intents and purposes, as if the owners, claimants or parties in interest, or their heirs, were legally to join in said deed of conveyance; that the deed of trust to George Arcularius, executed on the nineteenth day of March, Anno Domini, one thousand eight hundred and thirty-four, as well as the deed of confirmation of that trust, executed on the nineteenth day of March, Anno Domini, one thousand eight hundred and forty-two, both of which are duly recorded among the records of Clearfield county, are hereby declared to be valid for all the purposes therein mentioned, and the power therein contained, is hereby declared to be full and ample to authorize the said George Arcularius, to convey the title to said tracts of land to the said George R. Barrett and Christopher Kratzer, as fully and absolutely as if all the parties in interest were present, legally competent, and were to join in said deed of conveyance; and that the said George R. Barrett and Christopher Kratzer, under said deed of conveyance, so made from the said George Arcularius as trustee, et cetera, shall be deemed to take the title of all parties in interest, or having any claim to said land as a member of the Allegheny coal company, or by, from or under any of them, or their heirs, to hold the same to them or their heirs forever.

Said tract of land
to be discharged
from all claims,
&c.

SECTION 16. That it is hereby declared, that under the deed of conveyance made by the said George Arcularius, as aforesaid, the said George R. Barrett and Christopher Kratzer shall take the said described tracts of land, discharged from all claim of the original owners or their heirs, whether minors or of full age, who, after the deed of trust to George Arcularius, executed by the Allegheny coal company under their corporate seal, and after the dissolution of said company, become tenants in common, and as such continue to hold the said lands: *Provided however*, That the said George Arcularius shall not, by reason of this act, be discharged from any of his liabilities to the said owners or tenants in common, but shall at all times be liable, after the payment of necessary expenses, taxes paid, et cetera, to account to the parties interested for the proceeds realized from the sale of the lands, according to the terms of the trust deed aforesaid.

Commissioners of
Mercer county
authorized to sell
certain lots.

SECTION 17. That the commissioners of the county of Mercer be and they are hereby authorized to sell, at public sale, parts of lots numbers two hundred and three and two hundred and four, in the borough of Mercer, and convey the same to the purchaser or purchasers thereof, by deed under the hands of the commissioners and seal of the county.

Authorized to
borrow money:

SECTION 18. That the commissioners named in the preceding section be and they are hereby authorized to borrow, on the credit of said county, any sum of money not exceeding six thousand dollars, at a rate of interest not exceeding six per cent. per annum, for the purpose of erecting a jail for said county, and they are hereby authorized to secure the payment of the same, at such time or times as may be agreed upon, by bond under the hands of the commissioners and seal of the county.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.