

quired to publish the list of trials and jurors for said county.

Commissioners of the district of Southwark, in the county of Philadelphia, authorized to borrow money.

courts of said county, in not less than three newspapers published in the borough of York, at least three weeks before the meeting of the courts.

SECTION 6. That the commissioners of the district of Southwark, in the county of Philadelphia, be and they are hereby authorized and empowered to borrow from time to time, any sum or sums of money that they may judge necessary for the purpose of paving and grading the streets in the said district, and for all other expenses incident thereto, and to pledge the faith of the district for the payment of the same: *Provided*, That the concurrence of two-thirds of the commissioners present at any stated meeting, shall be essential to any law or ordinance to authorize such loan.

Additional commissioners to the Columbia and Marietta turnpike road company.

SECTION 7. That David Reinhart, James Mehaffy, Andrew Leader, Stephen F. Eagle, John Monck, Reuben Mullison, Joseph Black, George Wolf and Samuel Hopkins, be and they are hereby appointed additional commissioners to open books, receive subscriptions, and organize a company to construct a turnpike road from Columbia to Marietta, in Lancaster county, agreeable to an act approved the twenty-third day of March, one thousand eight hundred and forty-nine.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 354.

A SUPPLEMENT

To an act relative to the venders of mineral waters; and an act relative to the Washington coal company; to sheriffs' sales of real estate; to the substitution of executors and trustees when plaintiffs; to partition in the courts of common pleas, 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 the second section of the act to which this a supplement, be and the same is hereby altered and amended to read as follows, viz: That it is hereby declared to be unlawful for any person hereafter to fill with mineral waters or other beverages, in any such bottles so marked and not having permission of such owner thereof, or to sell, dispose of, or to buy, or traffic in any such bottles so marked, and not bought by him of such owner thereof; and every person so offending shall be liable to a penalty of fifty cents for every bottle so filled or sold, or disposed of, or bought, or trafficked in, for the first offence, and of five dollars for

Second section of a certain act relating to mineral waters altered and amended.

every subsequent offence, to be recovered by the party whose name or mark shall be stamped on the bottle so filled, sold or purchased, and who shall have complied with the provisions of the preceding section of this act; and the fact of any person using any such bottles for the sale therein of any beverage, not of the same manufacture as that with which they had been filled by the rightful owners thereof respectively, shall be prima facie proof of the unlawful use or purchase of such bottles as aforesaid; and any such owner, upon making such proof before any alderman or justice of the peace of the proper city or county, may obtain process, and may thereupon search for, take and carry away for his own use any bottles so impressed with his name or mark, which may be found on the premises or in the wagons of such offenders: *Provided*, That the provisions of this act shall not extend to the counties of Erie, Chester and Delaware.

SECTION 2. That the Washington coal company are hereby authorized to relinquish and convey all their real and personal property, and all the powers, rights and privileges conferred by their charter, to the Pennsylvania coal company, upon the execution of which relinquishment and conveyance, the said Pennsylvania coal company shall hold and enjoy all the said property, powers, rights and privileges, in addition to those which the said company are now authorized to hold and enjoy, in as full a manner, and with the same effect as if the same had been originally authorized or granted by the charter of the said company: *Provided*, That the Pennsylvania coal company shall assume all the debts due from or contracted by the said Washington coal company, and may convert the same, as well as the capital stock of the said company, into additional capital of the said Pennsylvania coal company, which is hereby authorized to be created for that purpose, on paying upon any such conversion to the state treasurer one per centum upon the amount so converted, in instalments of five hundred dollars each; the first instalment to become payable on the first Monday of July, one thousand eight hundred and fifty, and the remaining instalments annually thereafter, until the full amount of said one per centum shall be paid; said bonus to be exclusively appropriated to a redemption of the loans of this commonwealth: *And provided further*, That whenever the relinquishment and conveyance hereby authorized, and assumption hereby required, shall have gone into full effect, the said Washington coal company shall be deemed to be merged and dissolved: *Provided*, That said Pennsylvania coal company shall not be allowed to hold more than three thousand acres of land.

Washington coal company authorized to relinquish and sell their property to the Pennsylvania coal company.

Proviso.

Proviso.

Proviso.

SECTION 3. That the provisions of the eighth section of the act of assembly, entitled "A further supplement to the act, entitled 'An Act relating to orphans' courts,' passed the thirteenth day of April, one thousand eight hundred and forty," be and the same are hereby extended to cases of sales of real estate by the sheriffs of the respective counties of this commonwealth: *Provided*, That nothing herein contained shall be construed to deprive the sheriffs aforesaid, of the fee now allowed by law for the advertising by handbills, serving notices and selling of such real estate.

Provisions of the eighth section of a certain act relating to orphans' courts extended to cases of sheriffs' sales of real estate.

Proviso.

SECTION 4. In all cases of sales heretofore made, as well as in all cases of sales hereafter made, by a trustee appointed by the orphans' court of any county within this commonwealth, to make sale of real estate after proceedings in partition, and where such sales have or shall be held under such order, and the said trustee shall be removed by the court, or has or shall die, or become insane, or otherwise incapable of acting, before a conveyance is made to the purchaser, on the purchaser or the succeeding administrator of such decedent, or on the administra-

tor of such trustee petitioning the court, it shall be lawful for the administrator of the decedent whose estate was sold, or for the administrator of the trustee, after giving security, to be approved of by the said court, for the faithful appropriation of the proceeds of such sale, to execute and deliver to the purchaser a deed of conveyance for the estate so sold, on the purchasers full compliance with the terms and conditions of sale; but if within three months there be no succeeding administrator or administrators of such trustee, having given security as aforesaid, it shall be the duty of the orphans' court, on the petition of the purchaser, to direct the clerk of the orphans' court to execute and deliver to the purchaser, the necessary deed of conveyance, on his full compliance with the terms and conditions of sale, paying into court the moneys payable, and delivering to the clerk the securities required by said terms and conditions, which moneys and securities shall remain subject to the disposition of the court; every deed made in pursuance of and agreeably to the provisions of this act, shall vest the property therein described in the grantor, as fully and effectually as if the same had been made by the persons who may have sold any such estate circumstanced as aforesaid.

In actions of ejectment, when the object is, to enforce payment of the purchase money, it shall be lawful for executors or administrators of deceased creditors to sustain the same.

First section of a certain act concerning bail and attachments, construction of Punishment for aggravated riots.

Prothonotary required to record the sheriff's inquisitions, &c.

Partitions.

Deeds made and acknowledged by married women since the act of 11th April, 1848, to be effectual. Proviso.

SECTION 5. That in all actions of ejectment now pending, or which may hereafter be brought, when the object is to enforce the payment of purchase money due and owing on land contracts, it shall and may be lawful for the executors or administrators of the deceased creditor, to sustain the same in their own names, to the same extent and in like manner as the testator or intestate if living could.

SECTION 6. That the first section of the act, entitled "An Act concerning bail and attachments," passed the twentieth day March, one thousand eight hundred and forty-five, shall not be construed to apply to the judgments of aldermen or justices, under the first section of the act, entitled "An Act relating to landlord and tenant," passed the third day of April, one thousand eight hundred and thirty.

SECTION 7. That in all cases where any one is convicted of an aggravated riot, the court shall be authorized to sentence the offender to an imprisonment in solitary confinement at labor, in the county prison, or the proper penitentiary of the state, for a period not exceeding three years.

SECTION 8. It shall be the duty of the prothonotaries of the respective courts of this commonwealth, to record the sheriff's inquisition, and all orders of court in relation to partitions and common recoveries, at the expense of the parties interested, for the fees allowed by law to the recorder of deeds and exemplifications, such records shall be evidence thereof.

SECTION 9. That all partitions heretofore made wherein the sheriff has allotted the purparts, shall be as valid as if allotted and decreed by the court from which the writ of partition issued.

SECTION 10. That all deeds heretofore made and acknowledged by any married woman, since the act of the eleventh of April, one thousand eight hundred and forty-eight, shall be and effectual: *Provided*, The same have been made and acknowledged according to the laws of this commonwealth, which were in force previous to the act of the eleventh of April, one thousand eight hundred and forty-eight; and that all such deeds which may be hereafter executed and acknowledged according to the provisions of existing laws, previous to the passage of the act of the eleventh of April, one thousand eight hundred and forty-eight, shall be deemed sufficiently executed and acknowledged without further acknowledgment.

SECTION 11. All deeds executed and acknowledged, or which may hereafter be executed and acknowledged by married women out of this commonwealth, shall be deemed good and sufficient, if executed and acknowledged according to the requisitions of acts of assembly in such case made and provided, in the same manner as if the act of the eleventh of April, eighteen hundred and forty-eight had not been passed.

SECTION 12. That in all cases of the sale, conveyance, mortgage or transfer of the property of any married woman, or of any powers of attorney to make and execute such sale, conveyance, mortgage or transfer, made and executed out of the United States, the written consent of such married woman, as required by the act relating to the rights of married women, may be acknowledged before any minister, ambassador, charge d' affairs, consul or vice consul of the United States; and such acknowledgment so made shall be equally valid as if made before a judge of a court of common pleas of this commonwealth.

SECTION 13. That in all actions now pending in any of the courts of this commonwealth, or which hereafter may be brought, in which executors or trustees, appointed by or under the authority of any last will and testament, with power over the real or personal estate of the testator, are plaintiffs, and any one or more of such plaintiffs shall have died or resigned, or been removed, or shall die, resign or be removed, such action shall not thereby abate, but it shall be the duty of the court in which such action is or shall be pending, to substitute upon the record in place of the executor or executors, trustee or trustees, whose death, resignation or removal shall have caused the vacancy, any executor or executors, trustee or trustees, who shall have been or shall be legally appointed to supply the same, and the suit or action shall be proceeded in to trial, judgment and execution, in the same manner as if the plaintiffs had been originally entitled to maintain the action.

SECTION 14. That all assignments of mortgages and letters of attorney authorizing the satisfaction of mortgages duly executed and acknowledged, in the manner provided by law for the acknowledgment of deeds, may be recorded in the office for recording of deeds, in the county in which the mortgage assigned or authorized to be satisfied may be or shall have been recorded; and the record of such instrument, or a duly certified copy thereof, shall be as good evidence as the original assignment or letter of attorney, when duly proved in any court of justice.

SECTION 15. That the commissioners appointed or hereafter to be appointed by the governor of this commonwealth, under the authority of the act, entitled "An Act to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing pay of under seal," approved the fourteenth day of April, Anno Domini, one thousand eight hundred and twenty-eight, be hereby authorized to demand as their compensation for taking each acknowledgment, the fee of one dollar and no more.

SECTION 16. That in all cases of bona fide sales under the order of and confirmed by the orphans' court, the title of the purchaser shall not be affected by the subsequent revocation of the letters testamentary, or of administration of the executor or administrator making such sales; and that purchasers of real estate sold under orders of the orphans' court shall, after the confirmation of the sale, and the execution and acknowledgment of the deed, have a right to proceed to obtain possession of the purchased premises, in the same manner as is now provided in relation to purchasers at sheriffs' sales.

SECTION 17. That the controllers of the public schools of the First school district of Pennsylvania, shall have and possess power to confer academical degrees in the arts, upon graduates of the Central high school,

Deeds executed, &c., by married women out of this commonwealth, to be deemed good, &c.

Written consent of married women may be acknowledged before any minister, ambassador, &c., in cases of sales, transfers, &c., of real estate.

Actions not to abate in consequence of death of executors or trustees, appointed by any last will or testament, &c.

Assignments of mortgages and letters of attorney may be recorded, and certified copies thereof to be good evidence.

Commissioners to take acknowledgment of deeds, letters of writing pay of.

Sales under the order of and confirmed by the orphans' court, not to be affected by the subsequent revocation of letters testamentary, &c.

Controllers of the First school district of Pennsylvania empowered

to confer academic degrees, in the city of Philadelphia, and the same and like power to confer degrees, honorary and otherwise, which is now possessed by the University of Pennsylvania.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 355.

AN ACT

Relative to certain school districts in Jefferson, Indiana, Cambria, Westmoreland, Blair, Carbon, Schuylkill, Bedford, Chester, Delaware, Washington and Northampton counties; relative to supplying the several schools of the commonwealth with the state maps; and providing for a public high school, and for the education of colored children in the city of Pittsburgh.

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 farm and premises of Charles P. Cumming, in Pine Creek township, Jefferson county, and which adjoins the borough of Brookville, on the east, be hereafter attached to the borough of Brookville, in Jefferson county, for school purposes; and that the same be subject to the same taxation for the purposes aforesaid, as other property now in said borough of Brookville, is now subject.

Farm of Charles P. Cumming attached to the borough of Brookville, Jefferson county, for school purposes.

SECTION 2. That the property of Wilson M'Donald, situate part in Centre and part in White townships, in the county of Indiana, be and the same is hereby annexed to the said township of White, for school purposes; and that the same be subject to the same taxation for the purposes aforesaid, as other property in said township of White, is now subject.

Property of Wilson M'Donald annexed to the township of White, for school purposes.

SECTION 3. That hereafter that part of the townships of Allegheny and Clearfield, in the county of Cambria, embraced within the following described boundaries, to wit: commencing at a birch tree near the Clearfield creek, in Allegheny township; thence north thirty-six degrees west one hundred and fifty-nine and six-tenths perches to a spruce tree; thence north thirty-five degrees east two hundred and seventy-five perches to a post in Clearfield township; thence south forty-six and a half degrees east one hundred and eighty perches to a post; thence south thirty-eight degrees west three hundred and sixteen perches to the place of beginning, be and is hereby constituted a separate school district; and the fifth section of an act relative to the Towanda academy, the Union academy of Doylestown, the Reading academy, and to