

holders of said institution, by the corporate name and style of the York Savings Bank, are hereby authorized and empowered to issue their own notes to an amount at no time exceeding three times the amount of capital actually paid in.

SECTION 4. The said York Savings Bank shall be subject and liable to all the provisions, restrictions and conditions imposed by the act entitled "An Act to extend the charter of the Bank of Montgomery County," approved the seventh day of April, A. D., one thousand eight hundred and forty-nine, from the second to the last sections of said act, both inclusive, except that this act shall go into effect immediately after its passage into a law. Subject to the provisions and restrictions of a certain act.

SECTION 5. That it shall not be lawful for any person or persons to issue, re-issue, pay out or circulate for any purpose whatsoever, any check, order, certificate for interest due or growing due on Lehigh common loan, issued by the Lehigh coal and navigation company; and if any person or persons shall violate the provisions of this section, such person or persons shall upon conviction thereof pay a fine of fifty dollars, one half of which fine shall go for the use of the commonwealth, and the other half for the use of the person or persons bringing suit for the same. The re-issue of any check, order, certificate for interest due on Lehigh common loan, prohibited.

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

GEORGE DARSIE,
Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 374.

AN ACT

To enable Thomas Hoge to make a fee simple title; to enable the trustees under the wills of Ephraim Clark and Catharine Yohe, Alex. Calder, administrator, Joseph B. Baker, guardian, and Nancy, John, and William Kline to sell certain real estate; relative to a school house in Elizabeth township, Lancaster county; to amend the charter of the Second Jackson beneficial society of Philadelphia, and to extend the jurisdiction of the orphans' court.

WHEREAS, By a dispensation of Divine Providence, Jane Hoge, wife of Thomas Hoge, of Venango county, Pennsylvania, has for about eight years past been insane and incapable of exercising her reason, or of doing any act which requires the smallest exertion of intellect, but is totally non compos mentis; Preamble.

And whereas, Her husband, Thomas Hoge, aforesaid, has entered into contracts to sell and convey real estate in fee simple, and as, in consequence of the above mentioned incapacity of his wife Jane, is unable to join with her husband to convey any real estate; 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 Thomas Hoge, of Venango county, Pennsylvania, be and is hereby authorized to sell and convey real estate within this state, and that any sale or conveyance made by said Thomas Hoge, in his own proper person, and signed with his signature alone, shall be held to convey all such real estate so conveyed, as in fee simple, as fully and largely as if his wife Jane aforesaid, had signed said deeds of conveyance; and said real estate so conveyed, shall be released from dower and other incumbrances, as fully as if said Jane Hoge had signed the same.

Preamble.

WHEREAS, Ephraim Clark, late of the city of Philadelphia, deceased, by the third section of his last will and testament, duly proved in the register's office in said city, on the thirteenth day of May, one thousand eight hundred and forty-four, did devise to Ephraim Clark, Jr., Tobias Wagner and William Smith Wilson, their heirs and assigns, the house and lots of ground on South Ninth street, number three, in said city; also his tract of land in the Northern Liberties, in the county of Philadelphia, which he purchased from Moses Nathans, with all the buildings and improvements thereon; also his house and lot of ground situate on Hunter street, in said city, purchased of Adam Herkness and John Smith, in trust for his grand daughter, Elizabeth A. Clark, for life, and for her child or children in fee, and in default of such child or children, then in trust to pay the rents and profits thereof, under certain terms, to the said Ephraim Clark, junior, for himself and his child or children, if any, or in case he be not then living, then in trust to convey the same to his child or children in fee, and in default of such child or children, then to such person or persons as the survivor of said Ephraim and Elizabeth A. Clark shall by will or appointment direct; and in default of such appointment, then to said person or persons as the same would go to by the law of Pennsylvania, had the testator died seized thereof intestate:

And whereas, The said Elizabeth A. Clark and Ephraim Clark, Jr., are living, and the said Ephraim Clark, Jr., has several children who are minors:

And whereas, The said trustees, and several parties in interest, have united in asking that power to sell and convey the said property be given by legislative enactment; therefore,

Trustees under the will of E. Clark, deceased, authorized to sell certain real estate.

SECTION 2. That the trustees for the time being under the will of Ephraim Clark, late of the city of Philadelphia, deceased, shall be and they are hereby authorized and empowered to sell and dispose of the aforesaid house and lots of ground on south Ninth street, number three, in said city; also the said tract of land in the Northern Liberties, in the county of Philadelphia, which he purchased from Moses Nathans, with all the buildings and improvements thereon; also, his house and lot of ground on Hunter street, in said city, in the said will mentioned, with the appurtenances, at public or private sale, either for cash or on mortgage, or with the reservation of a ground rent subject or not subject to extinguishment, on the payment of a certain sum of money, as the said trustees may see fit, and to convey to the purchaser or purchasers a good and valid estate in fee, in the premises, freed and discharged from the trusts in the said will, but subject as to so much thereof as may be sold on ground rent to the rent, conditions and stipulations in such ground rent deed or deeds contained; and in case such ground rent be made subject to extinguishment as aforesaid, the said trustees shall have power to receive the said payment according to the stipulations in the ground rent deed, and thereupon to execute and deliver a sufficient release and

extinguishment of the said ground rent, to the purchaser or purchasers, who shall in no event be bound to see to the application of the consideration money, or the money paid in extinguishment of the said ground rent: *Provided always*, That any rent reserved as aforesaid, shall be made payable to the trustees for the same uses and purposes as are set forth in the will of the said Ephraim Clark, deceased, concerning the said premises: *And provided also*, That before any consideration money, or any money paid in extinguishment of ground rent, shall be received by the said trustees, they shall give bond with surety, to be approved by the court of common pleas for the county of Philadelphia, conditioned to invest the money so paid in such securities, or in the purchase of such ground rents as the said court may approve, to be held in trust for the same uses and purposes as are set forth in the said will concerning the said premises; or in default of such security, the said court may direct the investment thereof in such securities as they may see fit, subject to said trusts, and subject to their direction and control.

SECTION 3. That Alexander Calder, administrator of the estate of James H. Calder, be hereby authorized to sell the real estate of the said James H. Calder, deceased, and to carry out the contracts of the deceased, for the sale of the same, and to perfect the title thereto: *Provided*, That before the said Alexander Calder shall proceed to execute the duties authorized by this act, he shall give bond with surety, to be approved by the orphans' court of Wayne county, conditioned for the honest and faithful discharge of his duties, in the premises, and for the faithful application of the proceeds of such sales to those entitled to receive them.

Alexander Calder, administrator of James H. Calder, deceased, authorized to sell real estate, &c.
Proviso.

WHEREAS, Catharine Yohe, late of the city of Philadelphia, widow, deceased, by her last will and testament, bearing date the twenty-second day of March, in the year of our Lord, one thousand eight hundred and thirty-nine, duly proved and remaining in the register's office at Philadelphia, did devise and bequeath unto Thomas Blackstone and Henry Roland, in trust, the hereinafter described lands and tenements, with the appurtenances thereunto belonging, unto the said trustees, for the benefit of Caroline A. Blackstone and her children, and unto Susannah W. Steiner and her children, and Lydia A. Tams and her children, to be held by the said trustees and their survivors, and to pay over the net rents, issues and profits on their and each of their sole and separate receipts, of each of their portions, to the said heirs hereinbefore mentioned, reference being had to the said will, the bequests and restrictions therein will more fully and at large appear: "all that my southernmost messuage or tenement and the lot or piece of ground thereunto belonging, situate on the west side of Eleventh street, between Mulberry and Cherry street, in the city of Philadelphia, containing in breadth on said Eleventh street eighteen feet, and extending the same breadth in length or depth westward to ground of Cadwallader Evans, esquire, number sixty-four; and also my messuage and lot of ground, situate at the corner of the said Elizabeth and Benezet streets, in the said city; and also the whole of my undivided moiety of a certain messuage or tenement and tract or piece of land, situate in the county of Philadelphia, purchased and held by me in common with my son-in-law, the said Thomas Blackstone, together with the respective appurtenances; also my middlemost of my three messuages and lot of ground thereunto belonging, situate on the west side of the Eleventh street, between Mulberry and Cherry streets, in said city, containing in front or breadth on the said Eleventh street eighteen feet, and extending that length or breadth westward to ground of the said Cadwallader Evans, together with the privilege of a three feet wide alley, forever, and all the appurtenances thereto, (being the house number sixty-

Preamble.

six in said street;) also a certain messuage or tenement and lot or piece of ground, situate on the west side of the said Eleventh street, between High and Filbert streets, in said city, containing in front or breadth on said Eleventh street sixteen feet, and in length or depth fifty-seven feet, being the house number four, in said street, north from Market street; also my messuage or tenement and lot or piece of ground on Wood street, in the district of Spring Garden, in Penn township, in the county of Philadelphia, situate on the south side of said Wood street, at the distance of three hundred and one feet six inches from the east side of Broad street, containing in front or breadth on the said Wood street, and in length or depth that breadth southward forty-two feet; also the northernmost of my three messuages on the west side of the said Eleventh street, between Mulberry and Cherry streets, and lot of ground thereunto belonging, in the said city, containing in breadth on the said Eleventh street eighteen feet, and extending thence in length or depth to ground of the said Cadwallader Evans, (excepting the privilege of a passage way of three feet in the rear for the benefit of the southernmost lot;) and also a strip of ground of ten feet in width on the said Eleventh street, extending to the ground of Cadwallader Evans:”

And whereas also, All those two contiguous messuages or tenements and piece or lot of ground situate on the south side of Chestnut street, between Delaware Sixth and Seventh streets, in the city of Philadelphia, containing in front or breadth, on the said Chestnut street, fifty feet six inches, and extending thence in length or depth that breadth southward, two hundred and two feet, where it widens on the east side to the breadth of fifty-one feet six inches; thence extending the last mentioned breadth the further depth of thirty-three feet, to George street, being the same tenements and lot of ground which Charles Dilmas, of the city of Philadelphia, apportioned in four equal parts, granting three-fourths thereof to the trustees hereinafter mentioned, for the benefit and behoof of the said aforementioned heirs and their children, under and subject to the provisions of the said will of Catharine Yohe:

And whereas, The said Henry Roland having departed this life, and the said Thomas Blackstone dismissed from the responsibility of the said trusts, on his own application and request, and their accounts having been duly filed, the orphans’ court of the city and county for Philadelphia did, on the seventh day of July, in the year of our Lord one thousand eight hundred and forty-eight, in place of the said trustees, appoint Lucas Hirst, esquire, trustee of Lydia A. Tams, and Caroline A. Yohe, late Blackstone, and Abraham Rex, esquire, trustee of Susannah Steiner; the said Lucas Hirst and Abraham Rex having first given security, duly approved of by the said court, for the faithful performance of their duties:

And whereas, The said properties, since the death of the said Catharine Yohe, have become unproductive, realizing an interest or income of only one-half in proportion to their value:

And whereas, The said heirs are desirous of selling the said properties, and having their moneys arising from said sales reinvested more advantageously for their mutual benefit, under and subject, however, to the provisions and instructions of the said will; therefore,

SECTION 4. That the trustee or trustees for the time being, of the said hereinbefore mentioned messuages and lots, or pieces of ground with the appurtenances, under the last will and testament of Catharine Yohe, deceased, be and he or they are hereby authorized and empowered, with the consent and concurrence of the surviving children of the said Catharine Yohe, to sell the said messuages and lots, or pieces of ground with the appurtenances, or any or either of them, at

Trustees under the will of Catharine Yohe, deceased, authorized to sell certain real estate.

public or private sale, for the best price that can reasonably be obtained for the same, and to convey the same, in fee simple, to the purchaser or purchasers thereof, free from and discharged of every trust, and without any obligation on the part of such purchaser or purchasers thereof, to see to the application of the purchase money; and also to grant all and every of the said premises to any person or persons: *Provided*, That before the trustee or trustees, who may have the control of the said properties mentioned, shall make any such deed or deeds, when the whole or part of the consideration money to be received by him or them, and before he or they shall make any deed for the sale of any of the said properties mentioned, he or they shall give security in the orphans' court for the city and county of Philadelphia, to be approved of by said court, conditioned for the investment of the said consideration money or moneys, paid on the sale of the said premises, and for the same uses, estates and persons, as are declared mentioned and set forth in the said will of Catharine Yohe, deceased; and of and concerning the said messuages and lots, or pieces of ground; and in case of inability of the said trustee or trustees to give such security, the said orphans' court may direct the investment of such consideration money or moneys, in such securities as they may see fit, subject to said trusts, and subject to their direction and control.

Proviso.

WHEREAS, In the year one thousand eight hundred and thirteen, or thereabouts, Jacob Bentz, Peter Bentz, Peter Bollinger and Peter Martin, all now deceased, did, at their expense, jointly erect a school house in Elizabeth township, Lancaster county, known as Bentz's school house, for the purpose of keeping school and divine worship in said house, as by deed held by them mutually for said purposes, which said deed has been mislaid or lost, and cannot now be found, and no person having, under existing circumstances, any legal right to manage and take care of said house, or make the necessary repairs now required to continue said house for school purposes for which it was built; therefore,

Preamble.

SECTION 5. That George Bentz, son of Jacob Bentz, deceased, Samuel Bentz, son of Peter Bentz, deceased, Samuel Bollinger, son of Peter Bollinger, deceased, and Peter Martin, son of Peter Martin, deceased, all of Elizabeth township, Lancaster county, by virtue of this act be trustees; and any three of them are authorized and empowered to hold said school house, with the appurtenances belonging, and have to it all the right to manage and take care of it, making repairs, receive contributions, employ teachers, letting it to the school directors of the township for keeping the public or common school therein, to receive the rents, when let for school purposes, and applying said rents in making repairs, and to do and perform all such legal and necessary acts for keeping said school house for well regulated school purposes, and for no other purposes whatever.

George Bentz,
Samuel Bentz,
Samuel Bollinger
and Peter Martin,
appointed
trustees for a
certain school
house.

SECTION 6. And in case of death, resignation, or refusal to serve as trustee, or leaving the neighborhood or neglecting the duties as trustee, as provided in the first section of this act, then, in any such case of vacancy of a trustee or trustees, such vacancy to be filled by an election to be held at said school house on ten days' notice, given by the surviving trustee or trustees, or any three contributors to said school house for repairs, and all contributors towards keeping said school house in repair shall have a vote in electing such trustees, and a majority of votes polled by such contributors shall elect such trustees to fill a vacancy; and nothing in this act shall change or alter the provisions of the deed that may appear in said deed when found conflicting with the provisions of this act relative to said school house.

In case of a vacancy of said trustees, election to be held.

Joseph B. Baker, guardian of Emeline F. Hopkins, James Hopkins and Phoebe Hopkins, minor children of Washington Hopkins, late of the city of Lancaster, deceased, and grand-children and heirs at law of James Hopkins, late of said city, who died intestate, be and he is hereby authorized and empowered to sell by public or at private sale, in such manner and for such price or prices as his judgment may approve, all the right, title, interest or share of the said minors, or either of them, in any lands, tenements or hereditaments, lying and being in the counties of York and Lancaster, which may have descended from the said James Hopkins, to his heirs at law, upon his dying intestate, as aforesaid, and to execute such deeds or instruments of writing as may be necessary for the conveying and assuring of the same to the purchaser or purchasers: *Provided*, That before any sale made by virtue of this act and the power herein granted shall be deemed valid, a report or return thereof shall be first made to and approved by the orphans' court of Lancaster county: *And provided also*, That the said guardian give bond, with sureties, to be approved by the said court, for the faithful application of the proceeds.

Proviso.

Second Jackson beneficial society of Philadelphia county, additional powers granted to.

SECTION 8. That the Second Jackson beneficial society of Philadelphia county, by the name, style and title aforesaid, are hereby declared and made capable in law, at all times hereafter, to purchase, have, hold, receive and enjoy, in fee simple, or for a term of years, any lands, tenements, rents, annuities, franchises, or other hereditaments, by gift, grant, bargain, sale, alienation, release, confirmation, device or bequest of any person or persons, bodies politic or corporate, able or capable in law to make the same, not exceeding in the whole, together with the interest of money by them lent, the clear yearly value of three thousand dollars; and also to give, grant, let, sell and convey the same lands, tenements, rents, annuities, liberties, franchises and hereditaments, as shall be deemed desirable and convenient by the said corporation.

Nancy Kline, widow, John and William Kline, sons, of Joseph Kline, deceased, authorized to sell certain real estate.

SECTION 9. That Nancy Kline, widow, and John Kline and William Kline, sons of Joseph Kline, late of Jackson township, Lebanon county, deceased, are hereby authorized and empowered, at private sale, to sell and convey, in fee simple, all that certain tract of land, with the appurtenances, being in Jackson township, Lebanon county, adjoining lands of Christian Stoner, Benjamin Royer and others, containing about six acres and ——— perches, late the estate of said Joseph Kline, deceased, and to give, make, and execute such titles unto the purchaser or purchasers, as the said deceased could have been given immediately at the time of his death.

Jurisdiction of orphans' court in relation to partitions and valuations of real estate, extended.

SECTION 10. The jurisdiction of the several orphans' courts of this commonwealth, in the partition and valuation of the real estates of decedents, shall extend to all cases of testacy wherein the whole or a part of the real estate of the decedent may be devised to two or more children, and when such real estate is devised to two or more children, to be held and enjoyed in unequal proportions, the said court shall decree such an appropriation of the moneys arising therefrom, as will best effectuate the intentions of the testator; and in all such cases in which proceedings in partition may have been had or commenced, the same shall be deemed and taken to be as regular and valid as if this act had been passed previous to the commencement of such proceedings.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

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

WM. F. JOHNSTON.