

## No. 375.

## AN ACT

Relative to sheriffs' sales, and to the appointment of trustees in the county of Philadelphia, and to the appointment of trustees; incorporating the First Presbyterian church of Pottstown, Montgomery county, and changing the venue of a certain suit in Huntingdon county.

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 Courts of Philadelphia, delphia county, it shall and may be lawful for any court in the county of Philadelphia, delphia county, from which any execution or order of sale shall issue for the sale of authorized, on personal property, to inquire into the regularity and fairness of the sale application made, at the instance of any party interested by execution, foreign or domestic to inquire into attachment, or under a general assignment upon affidavit of circum- the regularity and fairness of stances before delivery of the goods; and if it appear that the sale shall and fairness of have been so irregular or fraudulent, as in the opinion of the court to sales of personal property. have produced a sacrifice of the property to the prejudice of any such party, it shall be competent for the court to set aside such sale, and the same property may be again exposed to sale, as if no such previous sale had been made: *Provided,* That it shall be lawful for the court to direct an issue for the trial of questions of fact, whenever the circumstances of the case shall require it, and to order the sale in the meantime of all perishable or chargeable goods, the proceeds to be held to abide the result of the trial.

SECTION 2. Whenever, by the provisions of any last will and testament admitted to probate in the city and county of Philadelphia, a trust Orphans' court of the city and county of Philadelphia, authorized to appoint a trustee or trustees in place of executors dying, renouncing, resigning, &c. has been or shall be declared of and concerning any real or personal estate to be executed by the executor or executors of said last will, whether by virtue of their office or otherwise, and any of the said executors shall die, renounce, resign, be dismissed from, or refuse to act in the said trust, leaving the other executor or executors continuing therein, it shall be lawful for the orphans' court of the city and county of Philadelphia, on the application of any party in interest, and with the consent of such continuing executor or executors, with notice to such of the other parties in interest as the said court may deem material, to appoint a trustee or trustees in the place of the executors so dying, renouncing, resigning, dismissed, or refusing to act; which said trustee or trustees shall have the same power and interest over and in the premises in trust, as the executor or executors in whose stead he or they shall be so appointed as aforesaid; and it shall also be lawful for the said court to appoint a successor or successors to such trustee or trustees, from time to time, whenever from death, resignation or otherwise, the same shall be necessary or expedient.

SECTION 3. That a corporation is hereby created by the name, style and title of "The First Presbyterian church of the borough of Pottstown," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity to take, hold

**Proviso.** and receive to them and their successors, for the use of said corporation, lands, tenements, goods and chattles of whatsoever kind, nature or quality, real, personal or mixed, which is now or shall or may at any time hereafter become the property of said corporation, or be held for their use by gifts, grants, bargains, sales, conveyances, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same; and to grant, bargain, sell, mortgage, improve or dispose of the same for the use of the said corporation: *Provided*, That the yearly value or income of the said estate so held by said corporation, shall not at any time exceed the sum of two thousand five hundred dollars, and shall not be appropriated to any other than benevolent or religious uses.

**Officers.** **Section 4.** The business of said corporation shall be conducted by three trustees and one secretary, which trustees may appoint a treasurer and such other officers as they may from time to time deem necessary for the better government of the said corporation; and until others are or shall be elected as is hereinafter provided, the following named persons shall be trustees: J. Dutton Steel, Daniel H. Beecher, Jacob S. Yost, to continue in office until the last Saturday of December, Anno Domini, one thousand eight hundred and forty-nine, on which day the pewholders in said congregation shall elect three trustees and one secretary, and on the same day annually thereafter, elect three trustees and one secretary who shall serve one year and until others are elected; and if vacancies by death or otherwise shall happen in the office of trustees, the remaining trustee or trustees may appoint others to supply such vacancy or vacancies, until the next general meeting of the members of said congregation; and if the members of said congregation neglect, on the day of the annual meeting to hold their election as is hereinbefore directed, the said corporation shall not be dissolved, but a majority of the trustees may appoint any subsequent day on which the election may be held: *Provided*, That notice thereof be given in such manner as a majority of the trustees may think proper, at least ten days before said election; and any pewholder of said congregation, paying his annual pew rent, shall be entitled to vote for trustees and secretary.

**Trustees.**

**Annual elections.**

**Proviso.**

**Trustees, powers of.** **Section 5.** The said trustees and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the said congregation, and shall have power also to change the time of holding the general election, if the same shall be deemed advisable, and also to increase the number of trustees to any number not exceeding seven: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state or of the United States: *Provided further*, That the said corporation shall not dispose of, alien, sell or in any way incumber the real estate belonging thereto, unless with the consent of a majority of the pewholders of the congregation entitled to vote as aforesaid, who shall meet and determine upon such sale, incumbrance or purchase as shall have been proposed.

**Proviso.**

**Proviso.**

**Certain action pending in the court of common pleas of Huntingdon county, transferred to the court of common pleas of Cambria county.** **Section 6.** That a certain action now pending in the court of common pleas of Huntingdon county, wherein the said county of Huntingdon is plaintiff and James Burke, Henry Leamer, Daniel M'Connell and James Conrad are defendants, be and the same is hereby transferred to the court of common pleas of the county of Cambria, to be there tried in the same manner as it might have been if originally instituted in said last named court, and the record in said action shall be certified by the said court of Huntingdon county to the said court of Cambria county

for trial as aforesaid, and on final judgment such writs of execution may be issued as shall be necessary to carry the same into full effect.

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. 376.

# AN ACT

To exempt from taxation, (except for state and road purposes,) the house for the employment and support of the poor in the county of Schuylkill, 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 employment of the house for the employment and support of the poor in the county of Schuylkill, and all personal property belonging to the same, hereby is and shall be exempt from taxation, except for state and road purposes. Building, &c., of the house for the employment of the poor in Schuylkill county, exempt from taxation.

SECTION 2. That the sixth section of an act, entitled "An Act to establish a uniform line along the river Delaware, and for other purposes," approved the eleventh day of April, one thousand eight hundred and forty-eight, repealing the second section of the act of assembly, passed the twenty-fifth January, Anno Domini one thousand eight hundred and thirty-six, relating to fees of constables in Schuylkill county, for executing orders for the relief or removal of paupers, be and the same is hereby repealed. Repeal of sixth section of certain act.

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.