

No. 397.

A SUPPLEMENT

To an act, entitled "An Act relative to the organization of courts of justice," passed the fourteenth day of April, Anno Domini one thousand eight hundred and thirty-four.

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 whenever it shall be necessary to hold a special court in any county of any judicial district, agreeably to the laws in force, an arrangement may be made between the president judge of such district, and the president judge of any adjoining district, to hold the court of any regular term for holding the courts in such county, or at any adjourned term of said court; and the judge of such adjoining district shall take the place of the other, without additional notice or special venire, and all proceedings had before the said court, shall be of the same force and effect, and be conducted according to the same rules and regulations, to all intents and purposes, as if the same had occurred before the proper president of the district. Special courts.

SECTION 2. That if the dispatch of business shall require it, the said judges may so arrange it, that the judge whose place is supplied may take the place of the other judge at any regular term of said court in his district, or at any adjourned court, and all proceedings had before any such court so holden, shall be of the same force and effect, and be conducted according to the same rules and regulations, to all intents and purposes, as if the same had occurred before the proper president of the district, and shall in like manner be subject to appeal or writ of error, in due course of law, as in other cases. Proceedings to be of the same force and effect as if they had occurred before the proper president judge.

SECTION 3. That the sixth section of the act of sixth of May, Anno Domini one thousand eight hundred and forty-four, which provides that in case of appeal from the decision of township auditors, costs shall abide the event of the suit as in other cases, is hereby declared and explained to apply to all, and embrace all cases in which any appeal or appeals were pending at the time of the passage of said act, or in which the question of costs had not then been adjudicated by the court of common pleas having jurisdiction of such case or cases. Appeals from decisions of township auditors, construction of certain act relative to.

SECTION 4. That all grants, conveyances, extinguishments of titles, and releases of interests of and to any real estate in this commonwealth, bearing date to the year one thousand eight hundred and eighteen, and signed and executed by a married woman or women, in conjunction with her or their respective husbands, and for which said grant, conveyance, extinguishment of title, or release, the consideration was received by the respective husband or parties so signing and executing, shall be taken to be effectual for the granting, conveying, extinguishing and releasing the said interest of any such married woman, or married women, intended and expressed in any such grant, conveyance, extinguishment or release, although such grant, conveyance, extinguishment or release, may not have been acknowledged by such married woman or women, in the form prescribed by the laws of this commonwealth for the granting of estates feme coverts. Grants, conveyances, extinguishment of titles and releases of interests of, and to any real estate of a certain date, made and executed by married women in conjunction with their husbands, validated.

Chancery powers extended to the courts of Huntingdon, Bedford, Somerset, Blair and Cambria.

Said powers to be considered as additional or cumulative.

Exceptions to issues.

Bargains and sales, deeds, conveyances, &c., of lands, tenements and hereditaments duly acknowledged and certified to by the judge, and under the seal of the court, to be valid, &c.

Provisions of certain act relative to testamentary trustees, extended to the county of Lancaster.

Repeal of certain act.

Legacies subject to be attached and levied upon in satisfaction of judgments.

SECTION 5. That the several courts of common pleas of Huntingdon, Bedford, Somerset, Blair, Cambria and Mifflin, in addition to the powers heretofore conferred, shall have the same chancery powers and jurisdictions, which are by law vested in the court of common pleas for the city and county of Philadelphia.

SECTION 6. Nothing contained in this act shall be so construed as to preclude proceedings according to the usages and practices heretofore existing in the courts of this commonwealth, or under the provisions of the different acts of assembly; but the remedy provided and conferred by this act, shall be considered and construed as additional or cumulative.

SECTION 7. That upon the trial of any issue directed by any court under the ninth section of the act extending the chancery powers of and to the jurisdiction and proceedings in certain courts, it shall and may be lawful for either and all of the parties to said issue, to except to any decision of the court upon any point of evidence or of law; which exception shall be noted by the court, and filed of record therein, and a writ of error may be taken therein by either or all of said parties, with the usual force and effect.

SECTION 8. The bargains and sales, deeds, conveyances, and other instruments of writing, concerning any lands, tenements or hereditaments within this state, that have been or may hereafter be made out of this State, the execution whereof being duly acknowledged by the party or parties executing the same, or proved by the oath or affirmation of one or more of the subscribing witnesses thereto, before any one of the judges or justices of a court of probate, or court of record of any state or territory within the United States, and so certified under the hand of the said judge and seal of the court, shall be as valid to all intents and purposes, and shall have the like effect, and be in like manner entitled to be recorded, as if the same had been made, acknowledged or proved, and certified in conformity with any law of this commonwealth; and in the case of a feme covert, the said judges and justices respectively, shall be and they are hereby authorized to take her acknowledgment and separate examination, and to certify the same with the same effect as any judge, justice or officer now authorized by law to that effect may or can do.

SECTION 9. That the provisions of the act, entitled "An Act relative to testamentary trustees in the city and county of Philadelphia," passed the third day of March, one thousand eight hundred and forty-seven, be and they are hereby extended to the county of Lancaster.

SECTION 10. That the first, second and third sections of the act of the twenty-seventh of February, eighteen hundred and forty-five, entitled "An Act respecting the appointment of auditors in the courts of the city and county of Philadelphia," be and the same are hereby repealed.

SECTION 11. That the tenth section of the act of thirteenth of April, Anno Domini eighteen hundred and forty-three, entitled "An Act to convey certain real estate, and for other purposes," providing that all legacies given, and lands devised to any person or persons, and any interest which any person or persons may have in the real or personal estate of any decedent by will or otherwise, which are subject to foreign attachment by the act of the twenty-seventh of July, Anno Domini eighteen hundred and forty-two, entitled "An Act to enable creditors to attach legacies and property in the hands of executors and administrators, and for other purposes," shall be subject to be attached and levied upon in satisfaction of any judgment, in the same manner as

debts due are made subject to execution by the twenty-second section of the act of sixteenth of June, Anno Domini eighteen hundred and thirty-six, entitled "An Act relating to executions," shall be deemed to authorize the issuing and service of process in the nature of attachment, at any time after the interest which any person or persons may have in the real or personal estate of any decedent, shall have accrued by reason of the death of such decedent: *Provided*, That a sale of the aforesaid interest of the defendant in the proceeding by attachment, authorized by the aforesaid tenth section of thirteenth of April, Anno Domini eighteen hundred and forty-three, shall not be compelled by any process of execution, until a year shall have elapsed from the time when the interest aforesaid vested in the defendant, unless the executors or administrators of the decedent shall have sooner filed their account: in all cases when executors, administrators or trustees of the estate of decedents, shall have been made garnishees in the process in the nature of attachment, authorized by the tenth section of the act of thirteenth of April, Anno Domini eighteen hundred and forty-three, entitled "An Act to convey certain real estate, and for other purposes," they shall be entitled to their costs, as well as the expenses necessarily incurred by them in attending to the proceeding in which they have been made garnishees. Proviso.

SECTION 12. That in all cases where a mortgage has been heretofore made, or shall be hereafter made, and has been or shall hereafter be lost, destroyed, or mislaid before the mortgage debt shall be paid, and the mortgagor or mortgagors, or his, her, or their legal representative or representatives, or the owner or owners of the mortgaged premises, shall be desirous to pay off and satisfy such mortgage, and to have satisfaction entered on the record of the same, or the mortgagee or mortgagees, or his, her, or their legal representative or representatives, or other person or persons who may be entitled to such mortgage debt, shall or may be desirous to recover or receive the same, but payment or satisfaction shall be withheld or denied until such mortgage shall be produced, it shall and may be lawful for such mortgagor or mortgagors, or his, her, or their legal representative or representatives, or the owner or owners of said mortgaged premises, or for the person or persons entitled to such mortgaged debt, or his, her, or their legal representative or representatives, or either of them, or other person or persons interested therein, to apply by bill or petition to the court of common pleas of the county where the mortgaged premises are situate, setting forth the facts of the case, with the complaint or grievance; and after due notice, to be given in such manner and for such time as the court may direct, to such mortgagor or mortgagors, or to his, her, or their legal representative or representatives, and to the owner or owners of the mortgaged premises, and the person or persons in possession thereof, or to the person or persons entitled to such mortgaged debt, or his, her, or their legal representative or representatives, as the case may be, and to all and every other person or persons interested therein, requiring them to appear in such court on a day certain to be fixed by said court, and answer such bill or petition; at which time, or any subsequent time, the said court, sitting as a court of equity, shall have power to examine into the facts of the case and the complaint or grievance, and to grant such relief, and make such order and decree therein, as the necessities of the case may in justice and equity require, as fully, to all intents and purposes, as if the remedy were herein particularly prescribed and set forth: *Provided*, That this section shall apply and extend only to the city and county of Philadelphia, and to the counties of Montgomery and Lycoming. Proceedings to have satisfaction entered in case of lost, destroyed or mislaid mortgages.

Devises named in last will and testament of John Moor, dec'd, authorized to bring actions of ejectment, trespass or partitions.

SECTION 13. That Jennet Kirkpatrick, Mary Laird, Elizabeth Snowden and Sarah M'Junkin, daughters and devisees named in the last will and testament of John Moor, deceased, late of Westmoreland county, which said will is recorded in the register's office in said county, in book number one, and dated the thirtieth day of January, one thousand eight hundred and eleven, or such of them as have not made and executed deeds or other instruments of writing, purporting to convey or transfer to the purchaser or purchasers their interest or estate, legal or equitable, in and to certain lands and real estate which the said testator authorized his executors to sell, when any three of his daughters agreed and gave a writing under their hands and seals to his executors, so that the same might be recorded; and any person or persons to whom they or any of them, together with their husbands, have made deeds purporting to sell and convey a fee simple interest in such real estate, shall have the same power, and with like force and effect to bring any action or actions of ejectment, trespass or partition for said lands, and to prosecute the same to judgment and execution, with like force and effect as if said lands had been devised to said devisees in fee, and as if such deed or deeds had transferred a fee simple interest in said real estate: *Provided*, That where any of the devisees are feme covert, their husbands may be joined with them in any action which may be brought, touching said lands, in the same manner that husbands may now be joined with their wives in any action touching the real estate of their wives: *Provided further*, That nothing in this section contained shall have the effect of invalidating in any way the legal effect of any deed or deeds, for said lands, made by two of the executors of John Moor, to the Rev. Francis Laird.

Proviso.

Governor authorized to appoint a commissioner to act in conjunction with others appointed by the states of Delaware and Maryland, to determine and fix boundary lines.

SECTION 14. That the governor of this commonwealth be and is hereby empowered to appoint a commissioner, to act in conjunction with commissioners appointed or to be appointed by the states of Delaware and Maryland, with power to survey and determine the point of intersections of the states of Pennsylvania, Delaware and Maryland, and to fix some suitable mark or monument whereby the said point may hereafter be indicated; and the said commissioner shall receive a compensation for his services three dollars per diem, for the time necessarily employed in the discharge of the duties prescribed by this section; and the auditor general is hereby empowered to draw his warrant for the amount of compensation upon the treasurer, which shall be paid from any moneys in the treasury.

Commissioners of the county of Delaware, authorized to borrow money.

SECTION 15. That the commissioners of the county of Delaware be and they are hereby authorized and empowered to borrow, from time to time, as they may think advisable and necessary, any sum or sums of money, not exceeding in the aggregate twenty thousand dollars, to aid them in the erection of the public buildings for said county, and that they be authorized and empowered to mortgage any of the real estate of the said county, and pledge any portion of the ordinary assessments or revenue thereof in security for the repayment of the moneys so borrowed, at such time or times as may be agreed upon, at a rate of interest not exceeding six per cent. per annum.

Corporators.

Style.

Privileges.

SECTION 16. That R. F. Loper, William M. Baird, B. T. M'Murtrie, William F. Loper and Joseph B. Bloodgood, and such other persons as may associate with them, their successors and assigns, are hereby created and made a corporation and body politic, by the name, style and title of the "Philadelphia steamboat company," and by that name shall have perpetual succession, and be capable in law to sue and be sued in any court of law and equity, to have and use a common seal, and generally to do all such acts as shall be proper and necessary for establishing a line or lines of steam vessels for the conveyance of pas-

sengers, goods and merchandize, between Philadelphia and Gloucester Point; the capital stock of said company shall be divided into shares of twenty-five dollars each, and shall not exceed in number five thousand, to be subscribed for or disposed of from time to time, in such manner as the resolutions or by-laws, made in pursuance of this act, shall provide; and the said company shall be subject to the provisions and restrictions contained in an act of the legislature of this state, passed the sixteenth day of March, one thousand eight hundred and forty-seven, entitled "An Act to incorporate the Merchants' and People's transportation company;" and the number of directors of said company shall be five.

Capital stock.
Subject to all the provisions and restrictions of a certain act.

SECTION 17. That so much of an act, entitled "An Act relating to the judicial districts of this commonwealth," approved the fifth day of April, one thousand eight hundred and forty-nine, as relates to the time of holding courts in the counties of Erie and Crawford, is hereby repealed, and the several courts in the aforesaid county shall be held as fixed by law prior to the passage of said last mentioned act.

Courts in Erie and Crawford counties.

SECTION 18. That any person who shall hereafter act as inspector, or deputy inspector of domestic distilled spirits, in the city or county of Philadelphia, not being legally authorized for that purpose, shall, for every such offence, forfeit and pay the sum of twenty dollars, one-half for the use of the commonwealth, and the other half for the use of any person suing for the same; and shall likewise be deemed guilty of a misdemeanor, and upon conviction thereof, shall, for every such offence, suffer an imprisonment in the county jail, for a period of thirty days.

Penalty for acting as inspector or deputy inspector of domestic distilled spirits in Philadelphia county, without being legally authorized.

SECTION 19. That from and after the passage of this act, no person shall sell, or expose to sale without license, in the counties of Berks, Dauphin and Lebanon, as a hawker, pedler, or exchange dealer in any foreign or domestic goods, wares, or merchandize, under the penalty of fifty dollars for each and every offence, to be inflicted in the manner provided for in the act of April the sixth, one thousand eight hundred and thirty-three, entitled "A supplement to an act regulating auctions in the city of Lancaster and other towns of this commonwealth," passed the seventh day of April, eighteen hundred and thirty-two: *Provided*, That the provisions of this section shall not be so construed as to apply to persons selling goods of their own manufacture, or carrying goods for wholesale purposes.

Penalty for hawking and peddling foreign or domestic goods, &c., in the counties of Berks, Dauphin and Lebanon, without license.
Proviso.

SECTION 20. That from and after the passage of this section, Trout run, in Brown township, in the county of Lycoming, shall be and is hereby declared a public highway from its mouth three miles up said stream.

Part of Trout run, Lycoming county, declared a public highway.

SECTION 21. That from and after the passage of this act, the court of common pleas, et cetera, in and for the county of Tioga, shall continue in session for two weeks, unless the business of the term be sooner disposed of; and so much of any act as conflicts herewith, be and the same is hereby repealed.

Term of the court of common pleas of Tioga county.

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.