

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the thirty-fifth section of an act, entitled "An act to reform the penal laws of this state," passed the fifth day of April, one thousand seven hundred and ninety,<sup>(1)</sup> be, and the same is hereby repealed.

Approved April 4, 1807. Recorded in L. B. No. 10, p. 517.

Note (1) Chapter 1516; 13 Statutes at Large, p. 511 and note.

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### CHAPTER MMDCCCXVIII.

#### AN ACT FOR THE RELIEF OF JOHN RYBECKER.

Whereas it appears that John Rybecker was a soldier in the Pennsylvania line, in the late revolutionary war, and that while in the service of his country, he received very severe wounds, the effects of which prevent him from procuring that subsistence which it would otherwise be in his power to procure: Therefore,

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 proper officers of the land office be, and they are hereby authorized and required to grant to John Rybecker a patent for a tract of donation land according to his rank aforesaid.

Approved April 4, 1807. Recorded in L. B. No. 10, p. 519.

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### CHAPTER MMDCCCXIX.

#### AN ACT TO AUTHORIZE THE SALE AND CONVEYANCE OF THE REAL ESTATE OF PHILIP NICKLIN, BY HIS SURVIVING PARTNER AND LEGAL REPRESENTATIVES.

Whereas it hath been represented to the legislature by Robert E. Griffith, surviving partner of Philip Nicklin, deceased, Juliana Nicklin, widow and administratrix of the said Philip Nicklin, and natural guardian of his minor children, and Benjamin Chew, junior, administrator of the said Philip

Nicklin, that the said Philip Nicklin and Robert E. Griffith were merchants and co-partners in the city of Philadelphia, under the firm of Nicklin and Griffith; that in the course of their commercial transactions they were induced to accept from several persons, conveyances of lands lying in various counties of Pennsylvania, in satisfaction of debts due to the company; that with a view to advantageous sales and reinvestment of the proceeds in their commercial capital, the said Nicklin and Griffith also purchased with their joint funds many other tracts of land; that the sudden death of the said Philip Nicklin has rendered it necessary to close the partnership business, and to apply the joint resources in payment of the joint engagements of the company; but as the said Philip Nicklin died intestate, leaving seven minor children, there is no authority in his surviving partner, nor in his legal representatives, to sell and convey for that purpose either his separate estate, or his moiety of the joint estate in the lands purchased as above mentioned:

Section I. (Section I, P. L.) 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 it shall be lawful for the said Robert E. Griffith, to make sale of, and in due form of law, to grant, bargain, sell and convey as well for the said Philip Nicklin, as for himself, all and singular, the real estate and estates within this commonwealth, whereof he and the said Philip Nicklin in his lifetime were seized or entitled unto in law or equity, as tenants in common or otherwise, under any patent, deed, contract, warrant, survey or location whatsoever; at such time and times, in such parts and parcels, for such estate and estates, upon such considerations, and to such person and persons as the said Robert E. Griffith shall deem fit and expedient: Provided always nevertheless, that every such sale shall be first approved by the administratrix and administrator of the said Philip Nicklin, for the time being, to be testified by his, her or their becoming parties to the instruments of sale or contract, and conveyance respectively.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the proceeds of the sales by this act authorized to be made, shall be appropriated and applied by the said Robert E. Griffith, as occasion may require, for and towards payment of the joint debts and engagements of the said late partnership of Nicklin and Griffith; and that the moiety of the surplus thereof (if any) shall be accounted for and paid to the legal representatives of the said Philip Nicklin; to be by them divided, apportioned, and paid in the same manner as is provided by law for the division and apportionment of an intestate's real estate.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for the administratrix and administrator of the said Philip Nicklin, to make sale of, and in due form of law, to grant, bargain, sell and convey all and singular, the real estate and estates within this commonwealth, whereof the said Philip Nicklin died seized or entitled unto in law or equity, in his sole and separate right, under any patent, deed, contract, warrant, survey or location whatsoever; at such time and times, in such parts and parcels, for such estate and estates, upon such considerations, and to such person and persons as the said administratrix and administrator shall deem fit and expedient; and the proceeds of the said last mentioned sales shall be appropriated and applied by them for and towards the payment of the debts and engagements of the said Philip Nicklin, as well in his separate capacity as in his partnership concern; and the surplus thereof shall be divided and apportioned in the same manner as is provided by law for the division and apportionment of an intestate's estate: Provided, that before a deed shall be executed for any of the real estate aforesaid, in pursuance of this act, the said surviving partner in case the sale be made by him, and the said administratrix and administrator, in case the sale be made by them, shall give bond to the orphans' court of Philadelphia county, with surety to be approved of by that court, for the due performance of their respective duties herein.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act contained shall be construed to authorize the sale of any land to which the commonwealth has a claim, by reason of its lien on the estate of John Nicholson, deceased.

Approved April 4, 1807. Recorded in L. B. No. 10, p. 519.

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CHAPTER MMDCCCXX.

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AN ACT TO ANNUL THE MARRIAGE OF JAMES ISAAC THOMAS MARSHALL, AND MARTHA MARSHALL.

Whereas by the petition of Martha Marshall, late Martha Miles, and by official documents, it is shown to the legislature that James Isaac Thomas Marshall, and the said Martha Marshall, were lawfully joined in marriage, on the fifteenth day of May, Anno Domini, one thousand eight hundred and four; that the said James Isaac Thomas Marshall was on the third day of November, one thousand eight hundred and six, convicted in the Mayor's court of the city of Philadelphia, of forging a bank note of the Trenton banking company, for which crime he was sentenced to an imprisonment at hard labor for the term of two years in the jail of Philadelphia county, where he now remains: And whereas it appears proper for the legislature to grant the said Martha a divorce, inasmuch as the existing laws do not warrant the interposition of a court of justice in this behalf: Therefore,

Section I. (Section I, P. L.) 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 marriage contract entered into by the said James Isaac Thomas Marshall, otherwise called Kensett, and Martha his wife, late Martha Miles, be, and the same is hereby annulled and made void, and the parties respectively set free and discharged from the mar-