

L A W S

2411-2

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1850,

IN THE

SEVENTY-FOURTH YEAR OF INDEPENDENCE.

WITH

AN APPENDIX.



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PUBLISHED BY AUTHORITY.

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HARRISBURG:

J. M. G. LESCURE, PRINTER TO THE STATE.

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1850.

No. 263.

## A N A C T

Authorizing the sale of the real estate of George Kemmerly and Patrick Ervine, late of York county, deceased; and to the sale of certain real estate in Lebanon county; authorizing John Armstrong, trustee of Margaret White, to sell certain real estate; empowering the register of Perry county to take probate of the will of Rebecca M. Patterson; relative to the York water company; and to the real estate of John Smull, deceased; to authorize the executors of Jacob Mayland to let a certain lot on ground rent; relative to the real estate of Robert M'Donald, late of Allegheny county, deceased; and to authorize the executors of John Wilson, deceased, of Clarion county, to sell certain real estate.

Preamble.

WHEREAS, George Kemmerly, late of York county, deceased, by his last will and testament, devised his farm to his wife Catharine during her life, and directed the same to be sold after her death, and the proceeds of the sale to be equally divided among his legatees:

And whereas, Said farm has become unproductive and insufficient for the support of said Catharine, and is deteriorating and becoming of less value, and it is the interest and desire of said Catharine and of all the parties interested that the same should be sold; and the executor of said George Kemmerly, deceased, is now dead; therefore,

Administrator of George Kemmerly, deceased, authorized to sell certain real estate.

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 person to whom the register of York county shall grant letters of administration with the will annexed of said George Kemmerly, deceased, shall be and is hereby authorized to sell and dispose of said farm, being a tract of land situate in Windsor township, in said county, adjoining lands of John Landes' heirs, of John Barshinger, deceased, Valentine Gable and others, containing about forty acres, either at public or private sale, and convey the same to the purchaser or purchasers thereof in fee simple, and to invest the proceeds thereof at six per cent., and pay the interest thereon to said Catharine Kemmerly during her life, and after her death to pay the principal to the persons entitled to the same, under the will of said George Kemmerly, deceased: *Provided,* That before the said sale shall be deemed to be valid, the same shall have been approved by the orphans' court of said county, and the said administrator shall have given bond with sufficient security to be approved by said court, conditioned for the faithful application of the proceeds of said sale.

Proviso.

Anthony S. Ely, authorized to sell certain real estate.

SECTION 2. That Anthony S. Ely, of the borough of Lebanon, be and he is hereby authorized, with the assent of Samuel Doneberger, to sell either at private or public sale, the interest of the children of Rebecca Donneberger, deceased, in certain real estate situate in North Lebanon township, Lebanon county, and to execute, acknowledge and deliver a good and sufficient deed or deeds therefor to the purchaser or purchasers in fee simple, altogether discharged from any obligation on the part of the said purchaser or purchasers to see the application of the purchase money; that before the said Anthony S. Ely shall execute any such deed or deeds, he shall give security in the court of common pleas of Lebanon county, to be approved by the said court, conditioned that he will faithfully comply with the requirements of this act, and

faithfully distribute the proceeds of said sale; and that the said court shall have first authorized and approved of the sale of said land.

WHEREAS, Patrick Irvine, of York township, in the county of York, died during the minority of his son Daniel, who was incapable of managing the property left for his benefit, and it appearing that the property, the income of which was designed for his support and maintenance, has not been controlled or managed in such manner as to secure the true intention of the testator; and as the said Daniel, who is blind, does not receive the means which the said property is abundantly able to produce for his support, and inasmuch as the will does not authorize the sale or disposition of said property to fulfill the clear design of the said Patrick Irvine, to wit: the proper support and comfort of his son Daniel, who is now forty-two years of age, and is in a suffering condition and totally helpless, the said property being worth seven thousand dollars, would, if sold, furnish ample means to comply with the object of the testator; therefore,

SECTION 3. *Be it enacted by the authority aforesaid,* That on the application of Daniel Irvine, or any other person or persons interested in the estate of Patrick Irvine, late of York county, deceased, the orphans' court of said county shall make an order appointing a trustee to make sale of the real estate of said decedent, and to invest the proceeds thereof under the direction of said court, so that the interest thereof shall secure to the said Daniel Irvine that support for and during his natural life, which the will of the said decedent intended him to have and receive out of the produce of said real estate: *Provided,* That such sale when made shall be approved of by the said court, after which a deed shall be made conveying to the purchaser or purchasers such estate as the said Patrick Irvine had and held in the premises at and immediately before the time of his decease: *Provided also,* That before receiving any of the proceeds of the sale, said trustee shall give such security as the said orphans' court may require, conditioned for the faithful execution of said trust: *And provided further,* That any person or persons interested may appeal to the supreme court from any order or orders, decree or decrees, that the said orphans' court may make; said appeal to be taken within thirty days from the making of such order or decree: *And provided further,* That the annual interest only of said principal sum arising from the sale of the real estate aforesaid, shall be paid to the said Daniel Irvine, or his trustee; and that the principal sum aforesaid shall be and remain permanently invested, subject to all the provisions of the will of the said Patrick Irvine, deceased.

SECTION 4. That John Armstrong, the trustee of Margaret White, formerly of Hamilton township, county of Franklin, be and hereby is authorized to sell a certain tract or parcel of land, and its appurtenances, situate in said township, and described in a deed of conveyance from George E. White, to said John Armstrong, recorded in record book, volume sixteen, page three hundred and forty, in the office for the recording of deeds of the said county, and a good and valid deed for the said tract of land to make and execute.

SECTION 5. The said John Armstrong is hereby authorized to invest the money arising from the sale of the said tract or parcel of land, together with other moneys of the sole and separate estate of said Margaret, in real estate lying within the state of Pennsylvania; which real estate when thus purchased, shall be held by the said John Armstrong in trust for the sole and separate use of the said Margaret, in manner and form, and subject to the same provisions and limitations as are preserved and settled in the deed aforesaid: *Provided,* That the court of

common pleas of said county shall have first authorized and approved of said sale, and the investment of the proceeds thereof.

Register of wills of Perry county, authorized to take proof of a certain will, &c.

SECTION 6. The register of wills of Perry county is hereby authorized to take proof of a certain instrument purporting to be a will, in the hand writing of Rebecca M. Patterson, deceased, and if the hand writing of said Rebecca be proven by two or more disinterested witnesses, then and that case the said instrument shall have the force and effect of a will executed under the act of eleventh April, one thousand eight hundred and forty-eight, in the same manner as if all the provisions of said act had been fully complied with.

York water company, relative to certificates of.

SECTION 7. That so much of the fifth section of the act authorizing the governor to incorporate the York water company, approved the eighth day of February, one thousand eight hundred and sixteen, as requires the president and managers of said company to deliver one certificate for every share of stock, and as relates to the transfer of such certificates, be and the same is hereby repealed; and that the stock of said company shall be transferable on the books of the corporation only, in the presence of the president or secretary, and in such manner as the by-laws shall direct.

John C. Bucher, guardian of the minor children of John Smull, deceased, authorized to sell certain real estate.

SECTION 8. That John C. Bucher, guardian of John A. Smull, William Smull and Anna H. Smull, minor children of John Smull, late of Harrisburg, in the county of Dauphin, deceased, be and he is hereby authorized and empowered to sell by public or private sale, in such manner and for such price or prices as his judgment may approve, all the right, title, interest and estate of the said minors, in any lands, tenements and hereditaments lying and being in the counties of Schuylkill, Northumberland, Monroe and Pike, 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 the execution and delivery of any deed or deeds, the said guardian shall make report of sale to the orphans' court of Dauphin county, and upon the said guardian giving bond in such sum, and with such surety or sureties as the orphans' court shall direct, conditioned for the proper application of the purchase money, the said court, if fully satisfied of the propriety of said sale, shall forthwith endorse an order of absolute confirmation of the same.

Executors of Jacob Mayland authorized to let a certain lot on ground rent, &c.

SECTION 9. That it shall be lawful for the executors acting under the will of Jacob Mayland, late of the city of Philadelphia, to let on ground rent in fee, a certain lot on the north side of Mulberry street, in said city, thirty-three feet four inches west of Schuylkill Seventh street, and make title therefor to the purchaser by deed in usual form, with a proviso of redemption any time after the decease of the said testator's daughter, Elizabeth Campbell; the said ground rent to be reserved or the money to be paid for the extinguishment thereof, to be held in trust for the same uses and purposes as the said lot was and is devised upon by the said will.

Nancy M. M'Donald, authorized to sell certain real estate.

SECTION 10. That Nancy M'Donald, widow of Robert M'Donald, late of Elizabeth township, county of Allegheny, deceased, be and she is hereby authorized to make public or private sale of the real estate of said decedent, situated in Elizabeth township, and invest the proceeds of the sale of said real estate in such other estate as she may deem better suited to the circumstances of the children of said decedent; the title to such property as may be so acquired to be subject to the same interests, positive, relative and conditional, as the several parties now hold and are entitled to hold, in the estate devised by said Robert in and by his last will and testament: *Provided*, The said Nancy in the mean time enter into such bonds for the faithful discharge of her duties in the

premises, as may be required by the orphans' court of said county: *And provided further,* That before any deed is executed and delivered, the said Nancy M'Donald shall make report of sale to the orphans' court of said county; and upon said court being satisfied that such sale is for the benefit of said children, shall forthwith endorse an order of absolute confirmation of the sale.

SECTION 11. That Samuel Wilson and David Wilson, senior, executors of the last will and testament of John Wilson, late of Clarion township, in the county of Clarion, deceased, be and they are hereby authorized to sell at public or private sale, and convey by deed or deeds in fee simple, all that certain tract of land late the property of the said John Wilson, situate in Clarion township, in the county of Clarion, adjoining lands of Andrew Owens, Jonathan Firman and others, containing one hundred and thirty-eight acres, or thereabouts, with the appurtenances, and to apply the net proceeds of such sale agreeably to the true intent and meaning of the last will and testament of said deceased: *Provided,* That the said executors shall first give a bond to the orphans' court of the county of Clarion, with sufficient sureties, conditioned for the faithful application of the proceeds of said sale.

Executors of  
John Wilson,  
deceased, author-  
ized to sell cer-  
tain real estate.

J. S. M'CALMONT,

*Speaker of the House of Representatives.*

V. BEST,

*Speaker of the Senate.*

APPROVED—The second day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON,

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No. 264.

A N A C T

Authorizing the laying out of state road from Schuylkill township, in Schuylkill county, to Roaring Creek township, in Columbia county; relative to the Lebanon Valley railroad company; and to President township, in Venango 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 Benneville Fetherolf, of the county of Schuylkill, and Amzi Brown, esquire, and Daniel Yeager, of the county of Columbia, be and they are hereby appointed commissioners to view and lay out a state road, commencing on the state road leading from Pottsville to Mauch Chunk, at the junction of Broad and Walnut streets, in the town of Tuscarora, in Schuylkill township, Schuylkill county, and terminating at the junction of the Numidia, Slabtown and Catawissa Forge roads, at or near the house of Emanuel Kerns, in Roaring Creek township, Columbia county.

Commissioners.

Location.