

No. 79.

AN ACT

To authorise the commissioners of Potter, Allegheny and Lancaster counties, to perform certain acts therein named, and for appointing trustees of the estate of James Decker, of Luzerne county, a maniac.

SECT. 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 Theodorus Doty, Timothy Ives, junior, and David Ross, commissioners of Potter county, and their successors in office, are hereby authorised to sell and convey a certain tract of land lately purchased by the commissioners of the said county, for the use thereof, which said tract of land was sold and purchased as the property of Major Isaac Lyman: *Provided,* That the proceeds of the sale so as aforesaid to be made, shall be paid by the purchaser to the treasurer of the county for the time being, to be applied by him to county purposes: *And provided also,* That the said treasurer and sureties shall be held liable to the county on their bond, as in other cases.

Commissioners of Potter authorised to sell certain land.

Proviso. Purchase money applied to county purposes. 2d proviso. Treasurer liable.

Comm'rs of Allegheny may institute suits, &c. by title.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in all suits hereafter instituted by the commissioners of Allegheny county, the said commissioners shall and may sue in the name and style of "the commissioners of Allegheny county," without naming any of the individuals composing the board of commissioners.

Tax payers not to be considered interested in suits, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That no person whatsoever shall be excluded from being a witness, arbitrator, judge or juror, on the trial of any suit instituted by said commissioners, by reason of his being subject to the payment of county rates and levies, or levies for the poor of said county.

No exceptions taken nor challenge sustained in certain cases.

SECT. 4. *And be it further enacted by the authority aforesaid,* That on the trial of any suit instituted by the said commissioners, no exception taken to the venire nor challenge shall be sustained by reason of the duties imposed by law upon the sheriff and commissioners in summoning, selecting, drawing and returning the jury.

Lancaster county Columbia Lancasterian school. Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the commissioners of Lancaster county be and they are hereby authorised and empowered to contract from year to year with the comptrollers of the Lancasterian school, in the borough of Columbia, for the education of the poor children of said borough: *Provided,* The com-

missioners can make such a contract as would be for the interest of the county generally.

SECT. 6. *And be it further enacted by the authority aforesaid,* That John Carey, the elder, and Miller Horton, both of Wilkesbarre, in the county of Luzerne, be and they are hereby appointed trustees of the estate, real and personal, of James Decker, of Wilkesbarre, in said county, a confirmed maniac, with all necessary authority to demand, sue for and recover all such sums of money as may be due to the said James Decker, and to prosecute his right and claims of whatever description, and to have and exercise in all things the same power and control over the same as the said James Decker would have if of sound mind, and also to sell and dispose of all or any of the personal property, and to sell and convey in fee simple such portion of the real estate of the said James Decker, as they may deem necessary for the payment of his debts and for his support.

Trustees appointed for James Decker.

Their duties prescribed.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said trustees annually to file an account of their proceedings in the orphans' court of Luzerne county, and in case any person interested shall require it, it shall be the duty of the said trustees to give security for the faithful performance of their duties under this act, to the satisfaction of said court, and if they should neglect or refuse, the said court shall discharge them, and in case of the death of either of the said trustees, the authority hereby given shall vest in the survivor, and in case of the refusal to act or to give security as aforesaid, or resignation of both or either of said trustees, the said orphans' court are hereby authorized to appoint another or others in their stead.

To file annual account, give security &c.

How their places may be supplied.

FRED'K SMITH, *Speaker*
of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—the first day of April, A. D. one thousand eight hundred and thirty.

GEO. WOLF.