

## No. 159.

## AN ACT

For the furtherance of justice between obligors and obligees, and other creditors and debtors.

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 in all suits now pending or hereafter brought in any court of record in this commonwealth, against joint and several obligors, co-partners, promissors or the endorsers of promissory notes, in which the writ or process has not been or may not be served on all the defendants, and judgment may be obtained against those served with process, such writ, process or judgment shall not be a bar to recovery in another suit against the defendant or defendants not served with process.

Defendant,  
indorsers,  
&c. not served with  
process, still  
liable to another suit.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, in all cases of amicable confession of judgment, by one or more of several obligors, co-partners or promissors, or the endorsers of promissory notes, such judgment shall not be a bar to recovery in such suit or suits as may have to be brought against those who refuse to confess judgment.

Judgment by  
confession of  
one or more  
not to bar  
recovery  
against other  
partners, &c.

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

WM. G. HAWKINS,  
*Speaker of the Senate.*

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

GEO. WOLF.

## No. 160.

## AN ACT

Authorising the sale and conveyance of certain real estate, and vesting the right of this commonwealth to the escheated estate of Henry Craig in the heirs of Jane Craig, deceased.

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,*

M. Hanna  
authorised to  
dispose of  
claim to a  
house and lot  
in Harris-  
burg.

That Mary Hanna, administratrix of John A. Hanna, late of Dauphin county, deceased, he and she is hereby authorised to sell and dispose of all the right, title and claim which John A. Hanna had in his life time, or which his heirs or legal representatives have in and to a certain house and lot of ground, situate on Paxton street, in the borough of Harrisburg, bounded by Maiden lane and by lot of John Eley, and to execute a title to the purchaser therefor, as fully and effectually as if all the heirs were of full age, and had duly executed a deed or deeds of conveyance in their own proper persons for the same: *Provided*, That before such sale is made, such administratrix shall enter into bond or recognizance, with sufficient surety, to the satisfaction of the orphans' court of Dauphin county, for the faithful execution of the power hereby granted, and the proper application of the proceeds of sale: *And provided further*, That such sale shall not be valid, until confirmed by the orphans' court of said county.

Proviso.  
Security to  
orphans'  
court.

2d proviso.  
Confirmation  
of sale.

WHEREAS, It is represented to the legislature, that Thomas M'Call and Thomas M'Keever, administrators of William Smyth, deceased, exposed to sale a tract of land, containing one hundred and eighty-eight acres and one hundred and thirty-one perches, the property of said decedent, under an order of the orphans' court of the county of Washington, for the payment of debts, and that on the first day of March, A. D. one thousand eight hundred and twenty-four, the said tract of land was bid off by Joseph Ralston, and a return of sale made by the administrators to the said court, as sold to Joseph Ralston: *And whereas*, it is further represented that the said Joseph Ralston had no interest whatever in the said purchase, but was a mere agent or trustee for his son William Ralston, who paid all the purchase money; and as doubts exist as to the authority of the said court to order a deed of conveyance to be made by the administrators, to the said William Ralston:

Preamble to  
2d section.

Therefore,

Orphans'  
court of  
Washington  
co. to exam-  
ine facts, and  
if satisfied to  
order a deed  
to be made to  
W. Ralston.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the orphans' court of the county of Washington are hereby authorised and required to examine into the facts in relation to the premises, by written proof, in the form of affidavits or depositions, which shall be filed in said court, and if from such proof the said court shall be satisfied that William Ralston was the real party in interest as purchaser, that the purchase money was paid or advanced by the said William, then and in such case the said court shall order a deed of conveyance to be made by the said administrators to William Ralston, his heirs and assigns.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for John Hart, the guardian of Mary Vansant and James Vansant, minor children of Charles Vansant, to make sale of the undivided interests of the said Mary and James, in and to a certain unimproved lot of ground, situate in the city of Pittsburg, either at private or public sale, as may be most conducive to the interests of said minors, and convey all the interest of the said minors in the premises, by a good and sufficient deed or deeds of conveyance to the purchaser or purchasers, with the same effect as if the said Mary and James had respectively attained the ages of twenty-one years, and had duly executed such conveyance or conveyances in their own proper person or persons: *Provided,* That before the said John Hart shall make sale as aforesaid, he shall enter into bond or recognizance, with one or more sureties, before the orphans' court of Bucks county, in such sum as said court may direct, conditioned for the faithful discharge of his duty, and the proper application of the money arising from said sale.

John Hart, guardian, authorised to convey interest of minors to a certain lot in Pittsburg.

Proviso.

Security to orphans' court of Bucks co'y.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all the right, claim and interest which this commonwealth may have acquired, by reason of any escheat or supposed escheat, from want of heirs of Henry Craig, or by reason of Jane Craig not disposing of the real property left her by the will of said Henry Craig, of Beaver county, deceased, in and to the real estate whereof the said Henry Craig died seized and possessed, shall be and the same is hereby granted to and vested in the heirs and legal representatives of Jane Craig, deceased, and their venders: *Provided,* That no other claim or right of this commonwealth, except that derived by the said escheat or supposed escheat, shall pass by virtue of this act, nor shall the rights of William Leathem, or third persons, be in any wise affected or impaired thereby.

Escheated estate of Henry Craig vested in heirs of Jane Craig.

Proviso.

This act not to affect other rights.

SECT. 5. *And be it further enacted by the authority aforesaid,* That Thomas Boyd, of Washington county, guardian of David Boyd, junior, and Joseph Boyd, and guardian by nature of his eight minor children, be and he is hereby authorised to sell and convey all the right, title, interest and claim of the said minor children, in and to a tract of land commonly known by the name of "Scott's Hill Place," situate in Hopewell township, Washington county, and to execute a title thereto, as fully and effectually as if the said minors had respectively attained the ages of twenty-one years, and had executed the same: *Provided,* That before such sale is made, the said Thomas Boyd, guardian as aforesaid, shall enter into bond or recognizance, with sufficient surety to the satisfaction

The's Boyd, guardian, authorised to sell, &c. tract of land in Washington county.

Proviso.

Security to orphans' court.

2d proviso.  
Approval of  
sale.

of the orphans' court of Washington county, for the faithful execution of the power hereby granted, and her proper application of the proceeds of sale: *And provided further*, That the said sale shall not be valid until reported to and approved of by the orphans' court of said county.

Preamble to  
6th section.

WHEREAS, It has been represented that Philip Rogers, late of Fayette county, deceased, devised certain real and personal estate to his natural son, Charles Rogers Lattimore, on condition that he should attain mature age, and have issue; but in case he should not attain mature age and have issue, then said Philip devised his said estate to his brothers and sisters' children, or their legal representatives: *And whereas*, it is represented that said Charles did live to mature age and has issue one son, but that the said Charles and his said son died, the latter in his minority, neither of them leaving heirs who could inherit, whereby the primary object of the testator's bounty has been defeated:

Therefore,

Certain es-  
tate vested  
in W. Street,  
in trust.

SECT. 6. *And be it further enacted by the authority aforesaid*, That all the estate, right, title and interest intended to be devised in the real and personal estate of Philip Rogers to the children or legal representatives of David and John Rogers and Sarah Street, brothers and sister of said Philip, be and the same is hereby vested in and confirmed to William Street, in trust for the children or legal representatives aforesaid, as fully as if the said Charles Rogers Lattimore had not had issue, or attained the age aforesaid: *Provided*, That this act shall not be taken to affect any valid and legal disposition which may have been made by said Charles in his life time, either by last will and testament or otherwise.

Proviso.  
Not to affect  
any disposi-  
tion of prop-  
erty by C. R.  
Lattimore.

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

WM. G. HAWKINS,  
*Speaker of the Senate.*

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

GEO. WOLF.