

No. 63.

AN ACT

To authorize the Prothonotaries of the several Courts of Common Pleas of this commonwealth to take security, and discharge insolvent debtors from arrest, and for other purposes.

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 from and after the passage of this act, the prothonotaries of the several courts of Common Pleas of this commonwealth, shall be authorized and required to take security and discharge insolvent debtors from arrest, on application to them, made in as full and ample a manner as any president or associate judge of the said courts may now do by virtue of the provisions of the act of assembly, passed the twenty-eighth day of March, one thousand eight hundred and twenty; and also to discharge debtors destitute of property for their support, as fully and amply as any judge may now do, under the provisions of the nineteenth section of the act of the twenty-sixth March, one thousand eight hundred and fourteen, entitled "An act for the relief of insolvent debtors."

Same authority given to prothonotaries that are vested in judges, under acts of 28th March, 1820, and 26th March, 1814.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in all cases where recognizances have been heretofore taken in the Orphans' Court of York county, in the names of the judges of said court, it shall be lawful for any person interested therein, to commence and prosecute his or her action at law, on any such recognizance, in the name of the commonwealth, with the same effect as though said recognizance had been duly taken in the name of said commonwealth.

Certain informal recognizances in York county legalized.

WHEREAS, William Lash and Dorothea Soder, administrators of the estate of John Soder, late of Bern township, in the county of Berks, have represented by their petition, that by an error in their administration account, they have been incorrectly charged with the sum of fourteen hundred and twenty dollars, and that as the said account has been confirmed by the Orphans' Court of the said county of Berks, they are likely to suffer serious loss: Therefore,

Preamble to 3d section.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the Orphans' Court of Berks county be, and the said court is hereby authorized, upon satisfactory evidence being given that an error was committed in the administration account of William Lash and Dorothea Soder, administrators of the estate of John Soder, deceased, to open the decree confirming the settlement of the said account, and directing distribution of the balance therein shewn, and to

Authority to Orph. Court of Berks county to correct an error in the administration account of the estate of Jno. Soder

permit the said administrators to re-state the said account, which said account, when re-stated, shall be examined and settled in the mode pointed out by law.

Preamble to 4th section. WHEREAS, Simon B. and Archibald B. M'Grew, executors of the last will and testament of Jacob M'Grew, late of Westmoreland county, deceased, have represented to the Legislature that Nathan, Findlay, Simon and Samuel, four of the sons and legatees of the said Jacob M'Grew, deceased, are deaf and dumb, and that by reason of their said infirmity, they are incapable of managing their property, and it is also represented that the three first named of the said sons and legatees are above the age of twenty-one years, and the fourth above the age of fourteen years and under the age of twenty-one: Therefore,

Orph. Court of Westmoreland county authorized to appoint guardians for sons of Jacob M'Grew.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the Orphans' Court of Westmoreland county, should they deem it proper and necessary, be and they are hereby authorized, empowered and required, on the application of the executors of the last will and testament of Jacob M'Grew, late of said county, deceased, or of any next friend or friends of Nathan, Findlay, Simon and Samuel, sons and legatees of the said Jacob M'Grew, to appoint guardians for the said Nathan, Findlay, Simon and Samuel respectively, and the guardians so appointed shall have the same powers, rights and privileges, and be subject to the same duties and accountability, as guardians appointed by the Orphans' Court of this Commonwealth, for minors, under the age of twenty-one years; and the said court shall have power to discharge said guardians for sufficient cause, and appoint others in their stead, from time to time, as fully and in the same manner as the said court may do under the existing laws, in cases of guardians of minors appointed in the ordinary manner: *Provided,* That the guardianship of the said Nathan, Findlay, Simon and Samuel M'Grew, shall continue as long as the said court may be satisfied that they, the said Nathan, Findlay, Simon and Samuel, shall remain incapable of managing their property, and no longer: *Provided,* That the said guardians, before they enter upon the duties of their appointment, shall give such security as shall be approved of by the Orphans' Court of Westmoreland county.

Proviso. Continuance of guardianship.

2d proviso. Security required of guardians.

SAM'L. ANDERSON,
Speaker of the House of Representatives.

JESSE R. BURDEN,
Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.