

in the case of real estate, except by a nuncupative will, made under the circumstances aforesaid, and also committed to writing in the life time of the testator, and after the writing thereof read to or by him, and allowed by him, and proved to be so done by two or more witnesses.

Nuncupative not to repeal written wills, unless committed to writing, read, allowed and proved.

SECT. 15. That when any person shall make his last will and testament, and afterwards shall marry or have a child or children not provided for in such will, and die leaving a widow and child, or either a widow or child or children, although such child or children be born after the death of their father, every such person, so far as shall regard the widow, or child or children after born, shall be deemed and construed to die intestate, and such widow, child or children, shall be entitled to such purparts, shares, and dividends of the estate, real and personal, of the deceased, as if he had actually died without any will.

Widow and children of testator married and born after making will to inherit as of an intestate.

SECT. 16. That a will executed by a single woman shall be deemed revoked by her subsequent marriage, and shall not be revived by the death of her husband.

Wills of spinsters annulled by marriage.

SECT. 17. *Provided*, That nothing in this act contained shall be construed to apply to the disposition of personal estate by a testator whose domicil is out of this Commonwealth.

Testators, non residents.

SECT. 18. That this act shall take effect from and after the first day of October next, and so much of any act or acts of Assembly as is hereby altered or supplied, is repealed from and after the said day, except so far as may be necessary to complete any proceeding commenced before that time.

Time of operation. Repealing clause, &c.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The eighth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.

No. 129.

AN ACT

To enable John Christ to exchange certain real estate, 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 John Christ of the city of Lancaster, guardian

Guardian of  
minor chil-  
dren of J.  
Hoffman au-  
thorized to  
exchange  
certain lots in  
Centreville  
with John  
Smith, jr.

of Susan, Mary, Rebecca and Sarah Hoffman, minor children of John Hoffman, late of West Donegal township, Lancaster county, deceased, be and he is hereby authorized to convey to John Smith, junior, of Centreville, in the same county, his heirs and assigns, the following thirteen lots of ground in said Centreville, the property of the minors aforesaid, numbered in the plan thereof one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-six, one hundred and ninety-seven, one hundred and ninety-eight, one hundred and ninety-nine, two hundred and one, two hundred and two, two hundred and three, two hundred and four, two hundred and five, two hundred and six, two hundred and eight, and to receive in exchange therefor by sufficient conveyance to him, the said John Christ, for the use of the minors aforesaid, their heirs and assigns, as tenants in common from him, the said John Smith, junior, and wife, the following twenty lots of ground in the same town, numbered in the plan thereof sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven, one hundred and twelve, and to pay on behalf and out of the funds of the said minors, to the said Smith, his heirs, executors, administrators or assigns, the sum of one hundred and seventy-five dollars, being the ascertained difference between the value of the thirteen and twenty lots aforesaid: *Provided*, That the said exchange shall not be valid or binding in law, unless the Orphans' Court of the county of Lancaster shall approve of the said exchange and consider it for the advantage of the said minors, nor until the deed or deeds of conveyance hereby authorized to be made, shall be approved by the said court, after which it shall be as effectual and conclusive upon the persons concerned, as if they had all been of full age at the time of its execution, and had been parties thereto.

Payment to  
Smith of dif-  
ference in  
value.

Proviso.  
Orphans  
court of Lan-  
caster county  
to approve of  
exchange.

Guardian of  
Peter Uhler  
authorized to  
convey cer-  
tain property  
to Comm'rs.

SECT. 2. *And be it further enacted by the authority aforesaid*, That George Lobach, guardian of Peter Uhler, a minor son of Jacob Uhler, late of Durham township, Bucks county, deceased, be and he is hereby authorized to convey to the board of canal commissioners, for the use of the Commonwealth of Pennsylvania, a piece of ground situate in Williams township, Northampton county, the property of said minor, upon which two locks of the Delaware division of the Pennsylvania canal have been erected, together with a lot of ground contiguous thereto, the whole not exceeding in quantity two acres, to be laid off by the engineer or supervisor of the said division.

WHEREAS, by the terms of a certain conveyance, dated <sup>Preamble to</sup> the thirty-first day of December, one thousand eight hundred <sup>3d section.</sup> and twenty-three, made by James D. Le Ray de Chaumont to Vincent Le Ray de Chaumont, upon trust for the benefit of his creditors, and also by a decree in the court of Chancery of the state of New York, made in a suit depending in the said court, on behalf of the said creditors against the said trustee, it is provided that such of the said creditors as should entitle themselves to the benefit of the said trust, should be permitted, upon the sale of the trust estates mentioned in the said conveyance, and by the said decree directed to be sold at public auction by the said trustee, to purchase at such sale, and on such purchases to receive credits to the amount of their respective dividends of the proceeds of the said trust estates, which trust estates are situate partly within this state: *And whereas*, it is represented to the Legislature on behalf of the said creditors, that most of them reside in foreign countries, and although desirous to avail themselves of the right to purchase, at the said sale, to the extent of their respective shares and dividends of the said trust estates, that they are unable to do so by reason of their alienage, and that great loss and injury will be sustained by such foreign creditors, unless legislative relief in the premises shall be extended to them: Therefore,

SECT. 3. *And be it further enacted by the authority aforesaid*, That it shall be lawful for Pierre Joseph De Caters and Jeanne Antoinette his wife, Charles Joseph Geelhand Delafaille, Jean Joseph Renier Osy, and Jean Joseph Pinson, all of Antwerp, in the kingdom of Belgium, Jean Baptiste Francois de Seran, of Paris, in the kingdom of France, and Honorine Camille Alhenais de Latorér du Pin, and Cesar Laurent de Chastellaux and Adelaide Louise Zephyrine de Damas, his wife, all of the same place, and all other persons being creditors of the said James D. Le Ray de Chaumont, and beneficially interested under the said trust conveyance, and also for the heirs or personal representatives of any such creditors, severally to purchase and take any of the lands and premises within this state, which are conveyed by the said trust deed, and to hold the same to them and their heirs, notwithstanding their alienage for the term of fifteen years from the time of the passing of this act: *Provided*, That all conveyances to be made to such persons respectively in pursuance of this act, shall be recorded in the clerk's office of the county in which the said lands may be situate, within one year after the date thereof: *And provided further*; That as to all such of the said lands as shall remain vested in the said persons or their heirs, after the expiration of the said fifteen years, the same shall *ipso facto* vest in the Commonwealth of Pennsylvania.

Certain creditors of J. D. Le Ray de Chaumont, residents of Antwerp and Paris authorized to purchase and hold for 15 years certain property.

Proviso. Conveyances to be recorded. 2d proviso. Escheat of property after 15 years.

Re-sale of  
property  
authorized.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the persons hereby authorized to purchase and hold the said lands, to sell and convey the same, and to take and receive mortgages to secure the payment of all or any part of the purchase monies.

Of the execu-  
tion and  
acknowledg-  
ment of  
deeds.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the execution of all deeds of conveyance, and powers of or concerning the said lands, may be proved or acknowledged before any minister plenipotentiary, or resident, or before any charge d'affairs or consul of the United States, and that the certificates thereof, subscribed by any such minister, charge d'affairs or consul, and authenticated under his official seal, shall have the like force and effect as if made before a judge of the Supreme Court of this state.

Guardian of  
minor chil-  
dren of H. B.  
Grubb autho-  
rized to sell  
and convey  
certain tracts  
of land.

SECT. 6. *And be it further enacted by the authority aforesaid,* That Harriet B. Grubb, guardian of the minor children of Henry B. Grubb, late of Lancaster county, deceased, be, and she is hereby authorized to sell and convey, in fee simple, the following tracts of land, viz: one containing two hundred and seventy-four acres, situate in Londonderry township, Lebanon county, and adjoining lands of James Kelly and others, one containing one hundred acres, situate in Dauphin and Lancaster counties, and adjoining lands of Christian Hoffert and others, one containing two hundred and eight acres, situate in Rapho township, Lancaster county, and adjoining lands of Christian Brubaker and others, and one containing one hundred and thirty acres, situate in Warwick township, Lancaster county, and adjoining lands of Daniel Gible and others, which said four tracts were the property of the said Henry, in his life time, or have been purchased by his administrators since his death, and vested in said Harriet, guardian as aforesaid, and the said Harriet shall do and perform all other acts and things necessary to the sale and conveyance as aforesaid of said tracts, for and in behalf of said minors, in as full, ample, binding manner, as if they were at the time of full age, and had themselves performed the same, and shall apply the proceeds thereof, in such manner as will be most conducive to the best interests of said minors; the purchaser or purchasers whereof shall hold the same forever, free, and discharged of all claims and demands by said minors, or any person from or under them: *Provided,* That the said Harriet B. Grubb, guardian as aforesaid, shall, before making sale of the said real estate, enter into bond or recognizance in such sum, and with such sufficient security as the Orphan's Court of Lancaster county shall determine, for the faithful execution of the trust hereby confided to her.

Proviso.  
Surety to  
Orph. court.

WHEREAS, Thomas Penn and Richard Penn, proprietors of the province of Pennsylvania, by letters patent signed by

John Penn, lieutenant governor of said province, under the great seal thereof, on the tenth day of January, Anno Domini, one thousand seven hundred and seventy-one, incorporated or granted chartered rights to the German Reformed congregation in Germantown, in the county of Philadelphia, under the name, style, and title of "The ministers, trustees, elders, and deacons of the German Reformed congregation in Germantown, in the county of Philadelphia, in the province Pennsylvania," and in and by said charter or letters patent, the said minister, trustees, elders and deacons are prohibited from selling any part of the real estate of the said congregation: *And whereas*, it has been represented to the Legislature that the said congregation are possessed in fee of a certain lot of ground, situate in Germantown aforesaid, beginning at a corner on the northerly side of Church lane, being also a corner of land, late the property of James Stokes, deceased, thence along the said Church lane, north forty-three degrees, east four perches and two-tenths parts of a perch, to a corner; thence by ground of the said congregation, reserved as a grave yard, north forty-seven degrees, west five perches, and six-tenths parts of a perch, to a corner; thence by the aforesaid grave yard, south forty-one degrees, west four perches and two-tenths parts of a perch, to a corner in a line of the said James Stokes' land; thence by the same, south forty-seven degrees, east five perches and forty-eight hundredth parts of a perch, to the place of beginning, containing twenty-three square perches of land, be the same more or less, bounded on the north east and north west by the aforesaid grave yard; on the south west by lands of James Stokes, deceased, and on the south east by Church lane aforesaid, whereon are erected two frame tenements, being part of a larger tract of land, purchased by the said congregation at public sale; that the said congregation are in debt, and desirous to dispose of the said above described lot of ground, and the buildings thereon to assist them in paying the said debt: Therefore,

Preamble to  
7th section.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the said corporation shall hereafter be known by the name, style, and title of "The minister, trustees, elders and deacons of the German Reformed congregation in Germantown in the county of Philadelphia, in the state of Pennsylvania," and by the said name shall have, hold and enjoy all lands, tenements and hereditaments, grants, bequests, or gifts whatsoever, now holden, or to which the said corporation, under the title of "The minister, trustees, elders and deacons of the German Reformed congregation in Germantown, in the county of Philadelphia, in the 'province' of Pennsylvania," would be entitled to hold.

Style of the  
German Re-  
formed con-  
gregation in  
Germantown  
changed.

SECT. 8. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, the minis-

Authority to corporation to sell certain lot in Germantown.

Proviso. Application of proceeds.

Repealing clause.

Estate of Samuel Thompson of Franklin co.

Certain authority to Jacob Grove, surviving guardian.

Executors of estate of S. Millick, of Northampton co. authorized to convey to common'th. certain portion of estate.

Proviso. Damages to be first paid to executors.

ter, trustees, elders, and deacons, of the German Reformed congregation in Germantown, in the county of Philadelphia, in the state of Pennsylvania, be, and they are hereby authorized to sell and dispose of the above described lot of ground, with the buildings thereon, either at public or private sale, as shall to the said minister, trustees, elders, and deacons seem most advisable, and convey the same by good and sufficient deed or deeds to the purchaser or purchasers thereof: *Provided*, That the proceeds thereof shall be applied to the extinguishing the said debt or debts of the said congregation.

SECT. 9. *And be it further enacted by the authority aforesaid*, That so much of the said letters patent, so granted as aforesaid, as are hereby altered or supplied, be, and the same hereby are repealed.

SECT. 10. *And be it further enacted by the authority aforesaid*, That Jacob Grove, surviving guardian and trustee of Samuel Thompson, of Franklin county, be, and he is hereby authorized to sell and convey the residue of the real estate of the said Samuel Thompson, not heretofore disposed of, and also the real estate purchased by himself and his co-trustee, Hugh Brotherton, deceased, in pursuance of the second section of the act, entitled "An act to enable the guardians and trustees of Samuel Thompson to dispose of his real estate, passed the thirteenth day of March, one thousand eight hundred and twenty-three," on giving security according to the provisions of said act; and after payment of the debts of the said Samuel Thompson, said trustees shall have power to apply the balance of the money to the purchase of other real property, in such manner as he shall find most advantageous to said Thompson and his family.

SECT. 11. *And be it further enacted by the authority aforesaid*, That Jesse M. Howell and Jefferson K. Heckman, executors of Samuel Millick, late of Northampton county, deceased, be, and they are hereby authorized and empowered to grant, convey, and assign to the Commonwealth of Pennsylvania, such part of the real estate of their testator as was directed to be conveyed by the board of appraisers of damages, as the condition upon which the said Samuel Millick, in his life time, was entitled to receive, the damages awarded to him by reason of the construction of the Delaware division of the Pennsylvania canal, on the lands of the said Samuel Millick, now deceased: *Provided*, That the amount of damages awarded shall be first paid to the said executors, before the conveyance directed to be made by this act, shall be good and available in law.

SECT. 12. *And be it further enacted by the authority aforesaid*, That Robert Lytle, James Porter, and Henry Neff, be, and they are hereby authorized as trustees for the Alexandria and Hartslog congregation, in Huntingdon county, to make and execute a deed of conveyance to James Wilson

for a house and lot of ground in the said borough of Alexandria, and county of Huntingdon, late the property of the said Hartslog Presbyterian congregation, according to the terms and conditions of an agreement made by the said Alexandria and Hartslog Presbyterian congregation of said county with the said James Wilson: *Provided*, That the said James Wilson shall first pay or secure to be paid to the said trustees the purchase money that may be due according to his said agreement.

Trustees of the Alex. and Hartslog congregation in Hunt. co. authorized to convey a certain house and lot to James Wilson.

SECT. 13. *And be it further enacted by the authority aforesaid*, That Peter Eby, surviving trustee of a lot of ground situate in Leacock township, Lancaster county, called "Education," be and he is hereby authorized, after due notice, given in three newspapers of said county, to sell said lot by public sale, and to convey the same in fee, by good and sufficient deed of conveyance to the highest and best bidder therefor, the proceeds of which sale shall be applied by him the said Peter Eby, and two other trustees, to be appointed immediately thereafter by the court of Quarter Sessions of Lancaster county, to the purchase of another lot of ground as near as may be to the lot aforesaid, and more conveniently situated for school purposes, which lot so purchased shall also be called "Education," and shall forever remain and be vested in the said trustees and their successors, to be appointed in the manner aforesaid, agreeably with the true intent and meaning of the original patent of the lot hereby authorized to be sold, as it appears enrolled in patent book H, volume three, page one hundred and twenty-two, in the Land Office of this Commonwealth.

Proviso. Pay't of purchase money. Peter Eby, surviving trustee, Leacock, Lancaster co. authorized to sell a certain lot, and in conjunction with other trustees to purchase another for certain purposes.

SECT. 14. *And be it further enacted by the authority aforesaid*, That William H. Richards and his heirs be, and they are hereby confirmed in the title of certain real estate in the city of Philadelphia, consisting of parts and parcels of certain lots which were purchased by the president, directors and company, of the Bank of North America, at sheriff's sale, and which the said bank by deed, dated the twentieth day of February, A. D. one thousand eight hundred and ten, conveyed to D. C. Claypoole, in fee, to the intent and so far forth, that the said title shall at no time hereafter be questioned by, or on behalf, or in the name of this Commonwealth, for or by reason of any defect or alleged defect of power in the said Bank of North America, to purchase, hold or convey the said real estate, and that the said William H. Richards and his heirs respectively, shall hold the said real estate, and may dispose of the same with the like effect, as if the said Bank of North America had been authorized by its charter to purchase, and hold, and convey the same to the said D. C. Claypoole.

Wm. H. Richards and heirs confirmed in the title to certain real estate purchased at Sheriff's sale by bank of N. America.

WHEREAS, it has been represented and made to appear to the Legislature, by Samuel Moss, the attorney in fact of the

Preamble to 15th section.

surviving partners of the mercantile house of Bainbridge, Ansley and company, of London, that Zaccheus Collins, late of the city of Philadelphia, deceased, in his life time, as the agent of said house of Bainbridge, Ansley and company, did take and receive absolute conveyances to himself, of certain lands hereinafter mentioned, from debtors of the said house, or in collection of debts owing to said house, which lands were to be sold by the said agent, and the proceeds thereof paid to his principals: *And whereas*, the sale of the said lands, or of any part thereof, was not effected by the said Zaccheus Collins in his life time: *And whereas*, the said Zaccheus has died intestate, leaving no lineal descendants except two grand children now in their minority, and the aid of the Legislature is required to authorize a disposition of the said lands:

Attorney of surviving partner of firm of Bainbridge, Ansley & co. authorized to sell and convey the title of Z. Collins to certain lands in Tioga and Susquehanna counties.

SECT. 15. *And be it further enacted by the authority aforesaid*, That the said Samuel Moss, or any other attorney in fact, of the surviving partner of said firm of Bainbridge, Ansley and company, be, and he is hereby authorized and empowered to make sale of, and convey to the purchaser or purchasers thereof, the following lands, the title to which was vested in the said Zaccheus Collins, to wit: Fourteen tracts of land, situate now in Tioga county, formerly in Lycoming, that is to say: one called Wilmington, containing ten hundred and eighty-six acres; one called Greenfield, containing ten hundred and eighty-nine acres; one called Tioga, containing eleven hundred acres; one called Meadville, containing ten hundred and eighty-nine acres; one called Hunting Hill, containing ten hundred ninety-three and a half acres; one called Germantown, containing ten hundred and eighty-nine acres; one called Quebec, containing eleven hundred acres; one called Manchester, containing ten hundred ninety-nine and a half acres; one called Stony Point, containing ten hundred ninety-nine and a half acres; one called Stafford, containing ten hundred ninety-nine and a half acres; one called Malta, containing ten hundred and eighty-three acres; one called Chatham, containing eleven hundred acres; one called York, containing ten hundred and seventy-seven acres, making fifteen thousand three hundred and five acres, which tracts were surveyed under warrants to George Meade, patented to Wilson Hunt, in one thousand eight hundred and four, and were granted by John J. Smith and Mary his wife to the said Zaccheus Collins in fee; also twelve tracts of land, situate formerly in Luzerne county, now in Susquehanna, which were granted by Benjamin Dorrance, Esquire, sheriff of Luzerne county, to Zaccheus Collins in fee, and to account to the said surviving partners of said house of Bainbridge, Ansley and company, for the proceeds of such sales.

WHEREAS, it is represented to the Legislature that John, George and Henry Lower, became the sole owners as tenants in common, by obtaining the releases of their sisters, of all the real estate of their late father, John Lower, senior, late of Bedford county, deceased: *And whereas*, the said John, George and Henry, in their life time, made a verbal agreement relative to the partition of said lands, which from lapse of time cannot be fully proved: *And whereas*, valuable improvements have been made on each purpart, and the said John and George are since dead: Therefore,

SECT. 16. *And be it further enacted by the authority aforesaid*, That David Cowen, of Bedford county, be and he is authorized to make and execute a deed or deeds of release or conveyance to Henry Lower, of, in and to, all the undivided interest which John Lower and George Lower, in their life times, had and held as tenants in common with the said Henry Lower, according to the true intent and meaning of a verbal agreement relative to partition, made by John, George and Henry: *Provided*, That the said Henry Lower shall first make and execute deeds of release to the minor children of the said John and George Lower, deceased, which deeds must be approved by the guardians of the minor children of the said John and George; and the said David Cowen is further authorized to make a deed of conveyance to Jacob Cowen, for thirty acres of land, sold by parol agreement to him by the said John and George, in their life times, as tenants in common with the said Henry: *Provided*, That the purchase money, if any due, shall first be paid to the guardians of the minor children of the said John and George Lower.

D. Cowen, of Bedford co. authorized to execute a certain release to H. Lower.

Proviso. Lower's release to minor children:

David authorized to make a certain deed to Jacob Cowen. Proviso.

SECT. 17. *And be it further enacted by the authority aforesaid*, That John Derr, guardian of George Yentzer M'Glaughlin, be and he is hereby authorized, in case he deems it for the interest and benefit of his said ward, to make and execute a deed or deeds of conveyance to Abbot Green, of the county of Union, agreeably to the contract made by Hugh M'Glaughlin and Joseph Derr with said Abbot Green, for all the right and title of the said George Yentzer M'Glaughlin, in and to an undivided moiety or half part of two items of real estate, which descended to the said George Yentzer M'Glaughlin from his mother Fanny M'Glaughlin, late Fanny Derr, who was one of the heirs of George Derr, deceased, which said items of real estate being numbers three and ten, were taken at the appraisement of the estate of George Derr, deceased, according to inquisition taken and returned into the Orphans' Court of Union county by Joseph Derr and Hugh M'Glaughlin: *Provided*, That before deed is made under the provisions of this act, the said guardian shall enter into bonds or recognizance in such sum, and with such sufficient surety or sureties, as the Orphans' Court of

Guardian of G. Y. Mc-Glaughlin authorized to convey certain property to Abbot Green.

Proviso.

Security to  
Orphans  
court for  
faithful appli-  
cation of pro-  
ceeds of sale.

Union county shall direct, conditioned for the faithful application agreeably to law, and the accounting for the same to his ward, when he arrives at age, of the balance of the distributive share of said minor, after paying to the other heirs of George Derr, deceased, their respective shares, agreeably to the adjudication of the Orphans' Court, which share shall be paid by the said John Derr and Hugh M'Glaughlin, in such equitable proportion as the said court may direct.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

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

GEO. WOLF:



No. 130.

AN ACT

Relative to the West Chester rail road company, the Mount Carbon rail road company, the Little Schuylkill, navigation rail road and coal company, and the Danville and Pottsville rail road company:

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 it shall and may be lawful for the West Chester rail road company to make and construct, or cause to be made and constructed, a branch or lateral rail road of one or more tracks, commencing at the point deemed most eligible on the West Chester rail road, and connecting with the Philadelphia and Columbia rail road at such place as may be found most suitable and expedient, east of the eastern branch of the Brandywine creek, in the county of Chester.

West Chester  
co. authorized  
to make a  
branch road.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said company may increase their capital stock to three thousand shares, and may charge the same tolls on the said branch or lateral rail road, as are authorized by the act to which this is a supplement.

Authority to  
increase  
capital, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any stockholder shall neglect or refuse to pay any instalment due by him on his stock, for the space of sixty days after the time appointed for payment thereof, he shall,

Penalty on  
delay to pay  
instalments.