

possessed, situate in any county within the state of Pennsylvania, whatsoever might have been his title, legal or equitable, which he or his heirs claimed, and to make and execute all such deeds or assurances, in law, as shall be needful or necessary for the absolute assuring and conveying the whole title to each and all the heirs of said Robert Kennedy, deceased, of or into any lands situate in this state, and to have full power to consummate any contract that has been entered into by said attorneys touching the sale of the same: *Provided*, That the said attorneys in fact shall duly account with said heirs or their guardians for the amount of said sales, and for that purpose shall enter into recognizance with security to be approved of by the orphans' court of Chester county.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The thirteenth day of July, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 115.]

AN ACT

To authorize the Trustee of Williamina E. McElwee to pay to her so much of the principal of a certain Trust Estate as may be necessary for the support of the said Williamina, and for the maintenance and education of her children, and for other purposes.

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 Leonard Kimball, acting trustee of Williamina E. McElwee, under the last will and testament of her father, Charles Smith, be and is hereby authorized and empowered, from time to time, by and with the approbation of the court of common pleas of Philadelphia county, to pay over to the said Williamina E. McElwee so much of the principal of said trust estate as in the opinion of said court, under

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all the circumstances of the case, may be necessary for the maintenance and support of the said Williamina E. McElwee and the maintenance and education of her children.

Manayunk town council Roads &c **SECTION 2.** That the town council of the borough of Manayunk be and the same is hereby authorized and empowered to enact any ordinance which they may deem necessary for the regulation and grading of the roads, streets, lanes and alleys, laid out, or which may hereafter be laid out, according to law, within the limits of said borough; and they are also hereby authorized and empowered to enact, ordain and make rules and regulations requiring the owner or owners of lots lying and being in the borough aforesaid, to set up and erect curb-stones or walls along the roads, streets, lanes and alleys at the edge of the side walks, in front and opposite their respective lots, at the proper cost of such owner or owners respectively, in such manner and at such time as may be directed by ordinances passed for such purpose, and the same to keep in good repair, and the Manayunk turnpike company shall pave the gutters along the main street of the borough occupied by them, and conform to the regulations adopted by the town council in making, repairing and grading their road through said borough.

Proceedings when owners refuse to pave &c **SECTION 3.** That in case the owner or owners of any lot or lots in said borough shall refuse or neglect to erect and put up any curb-stones or wall along the roads, streets, lanes or alleys, at the edge of the side walks in front and opposite their respective lots, or pave such side walks in such manner and at such times as may be required by any ordinance of said borough, it shall be lawful for the town council to purchase and procure materials for such curbing, walling and paving, and cause the same to be put up, erected and made at the proper cost and expense of said owner or owners; and, if necessary, they are hereby authorized, from time to time, to borrow money to the amount of one half of the borough tax authorized annually, in anticipation of taxes to be collected, for said purpose; and on completion of said curbing, walling and paving, or within six months thereafter, may file a claim for the amount of the materials furnished and used—work done and expense incurred in putting up such curb-stone or walls and making such pavement, together with such additional charges not exceeding ten per cent. thereon, which claim shall be certified by the president of the town council, under the seal of the corporation, attested by the town clerk, and such claim shall be paid before any other lien which commenced subsequent to furnishing such materials or performing such work, and remain a lien on such lot and a personal charge against the owner thereof till paid, and execution may

issue in favor of the burgess and town council of the borough of Manayunk for the amount of the claim filed, with interest, against such lot, and the owner thereof, at any time after the expiration of sixty days after filing the claim, in the same manner as on a judgment obtained against such lot or lots, or the owner or owners thereof, and the amount of such claim may be recovered by the burgess and town council by personal action against the owner or owners of any such lot or lots, or by scire facias, at the option of said town council, as is provided for the recovery of mechanics' liens, under the act passed the seventeenth of March, one thousand eight hundred and six, and the several supplements thereto; and in all cases the certificate of the president, under the corporate seal, attested by the town clerk, shall be conclusive evidence of the amount of the claim for materials furnished and used, and for work done and costs and charges incurred in putting up and erecting curb-stones, walls, and making pavements as aforesaid.

SECTION 4. That the road committee appointed by the burgess and council of Manayunk, taking to their assistance an able surveyor, shall have full power and authority, and are hereby enjoined and required to survey the roads, streets, lanes and alleys already laid out and within the borough, and also to lay out such other roads, streets, lanes and alleys, or widen those already laid out within the said borough, as they shall deem necessary for the convenience and accommodation of the inhabitants thereof; and it shall be the duty of the said committee, after having made such survey and laid out such streets, roads, lanes and alleys as they shall deem proper as aforesaid, to make, or cause to be made, a correct draught or plan thereof, with every explanation necessary for the perfect understanding of the same, and return it to the court of quarter sessions for the county of Philadelphia, and it shall be the duty of the clerk of the said court to receive and file the said draught or plan in his office for public inspection and examination, and to give public notice by printed handbills posted up in at least ten conspicuous places in the said borough, that on a certain day to be appointed by the court the said court will hear any objections that may be made thereto by any person owning property within the said borough who shall consider themselves aggrieved, and the said court shall, at the time appointed, adjudge and determine whether the same shall be fully and finally established, and whether any and what alteration shall be made therein, and shall direct the said draught or plan, with such alterations as may be made, to be recorded, and from thenceforth all the roads, streets, lanes and alleys so approved shall be forever deemed, adjudged and taken as public highways.

Powers of
road committee

LAWS OF PENNSYLVANIA

SECTION 5. That the fourth section and preamble thereto of the act of assembly passed twenty-fourth January, one thousand eight hundred and thirty-two, entitled "An act authorizing the laying out of streets and roads in the township of Passyunk, in the county of Philadelphia," be and the same is hereby extended to the said borough of Manayunk.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—This thirteenth day of July, A. D. eighteen hundred and forty-two.

DAVID R. PORTER.

[No. 116.]

A N A C T

Concerning the Trust Estate of Hugh Roberts, deceased, and for other purposes.

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 trustee and trustees for the time being, of the residuary estate of Hugh Roberts, late of the township of the Northern Liberties, in the county of Philadelphia, deceased, devised by his last will, dated the thirtieth day of April, eighteen hundred and twenty-seven, and the codicil thereto, be and he and they are hereby authorized, as often as in his or their judgment it shall be deemed expedient, the consent of the devisee for life, and of a majority of the cestui que trusts interested in the same being first given, to purchase at sheriff's sale any real estate which has been or may be mortgaged for the security of any debt or money due or owing to the said testator, or to his executors or executrix, or to any trustee or trustees in the said trust, whenever the said mortgaged estate or premises shall not bring, at such sale, a sufficient price to pay or reimburse to the said trust the

Trustees of
estate of H.
Roberts, de-
ceased

Power to pur-
chase