

[No. 126.]

A N A C T

To enable creditors to attach legacies and property inherited in the hands of Executors and Administrators, and for other purposes.

Legacies

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 all legacies given and lands devised to any person or persons by will or testament, and any interest which any person or persons may have in the real or personal estate of any decedent, whether by will or otherwise or so much thereof as may be necessary to satisfy the demand and costs of claimant, shall be subject and liable to be attached by any creditor or creditors of such person or persons, by writ or writs of foreign attachment, in the hands or possession of the executor or administrator, or in whose hands or possession soever, the same may be as fully and effectually as in other cases, and the like proceedings shall be had as are prescribed in the several acts of this Commonwealth, regulating the proceedings in actions of foreign attachment: *Provided,* That the provisions of this act shall not extend to legacies and distributive shares due married women.

Duty of plaintiffs

Garnishees

SECTION 2. In all cases where any legacy, devise of land, or any interest which any debtor may have in the estate of any decedent whether by will or otherwise, is or are attached or may be hereafter attached in the hands of the executor or administrator, or in whosoever hands or possession the same may be by writ or writs of foreign attachment, it shall be the duty of the plaintiff in such action, in addition to the recognition and securities now required by law, to be given in actions of foreign attachment, to tender to the garnishee or garnishees, if he or they be executors or administrators before receiving the distributive share of such debts, or so much thereof as may be necessary to satisfy the debt and interest, and costs, a bond with sufficient security to be approved by the court, in double the amount to be received from such garnishee with like conditions as are prescribed in the forty-first section of the act, entitled "An act relating to executors and administrators," passed the twenty-fourth day of February, A. D. one thousand eight hundred and thirty-four, and the said

executor, administrator or other person in whose hands the legacy, devise of land or other interest due, such debtor may be attached, shall be liable to the same penalties, and to be proceeded against as garnishees in foreign attachment are now by law subject to: *Provided however,* That nothing in this act shall be construed to confer on the plaintiff in such action, any greater rights or benefits than the debtor would have been entitled to, but the same rights which the debtor has and no more is hereby conferred on the attaching creditor. Proviso

SECTION 3. That Philip Trumbower, Thomas Brunner, Philip K. Fretz, Asher Cox, John T. Breece, Wm. D. Ruckman, Oliver Doap, George Hughes, John Carver, Edwin Yerkes, Jonathan Conrad, Jacob H. Rogers, Jacob Fries, William Burrows, Everard Roberts, Thomas Coar, Samuel Felty, Joseph Bennet, Abner Walton, Lewis Worthington, William Donat, Joseph Anderson, Samuel Thacher, John Ruckman, Martin Johnson, Mathias Y. Shaw, Thomas Betts, Henry Sailor, John Widdifield, John Gorges, John Fretz, E. T. M'Dowell Charles H. Matthews, Sesuck Titus, Stephen Kirk, William Watson, James Simpson, Joseph Watson, John Blackfan, William Fenton, Samuel Stricker, William Sands, George Kohl, A. J. Beaumont, A. C. Britain and John Shutt of the county of Bucks, or any five of them, be and they are hereby appointed commissioners, with full power and authority to do and perform the same duties for the company, to be incorporated by the provisions of this act, that the commissioners are authorized to do and perform, for the Doylestown and Danborough turnpike road company, and the said company shall be known by the name, style and title of the "Bridge Point, Bushington and Centreville Turnpike Road Company." Comm'rs
Bridge point
Bushington
& Centre-
ville turnpike
road co incor-
porated

SECTION 4. That the said turnpike road shall commence at the Doylestown and Willow Grove turnpike at Bridge Point, in the township of Doylestown, and shall be made on the bed of the road leading from Bridge Point to Bushington, and thence on the bed of the York road to Centreville, in the township of Buckingham, except where it may be necessary to widen, straighten, or to avoid hills, &c. on said route, and all the provisions, powers and authorities granted, or to be granted under the provisions of the act incorporating the Doylestown and Danborough turnpike road company, under like limitations and restrictions are hereby extended to the Bridge Point Bushington and Centreville turnpike road company: *Provided further,* That the duties prescribed to be done and performed by the commissioners in said act, shall be done and performed by the commissioners named in this act, as near as practicable on the same days and times therein provided. Comenc't
& termina-
tion
Proviso

claim
Hepburn,
Johnson &
Heylman
dam

SECTION 5. That the state treasurer be and he is hereby authorized and required to pay to James Hepburn, William Johnson and Edward Heylman the sum of two hundred and thirty-one dollars and sixty-six cents, out of any money in the treasury not otherwise appropriated, which shall be deemed and taken as payment in full, for any difference which may exist in the estimates upon section No. twenty-two, North Branch division of the Pennsylvania canal.

Bristol &
Chiltenham
tp line

SECTION 6. That so much of the twenty-first section of the act of the twenty-fifth March, one thousand eight hundred and forty-two, entitled "An act to appoint commissioners to re-survey and mark that portion of the county line, which divides the township of Bristol, in the county of Philadelphia, from the township of Chiltenham, in the county of Montgomery, and for other purposes," as authorizes the election of additional justices of the peace, in the borough of Lewistown, in the county of Mifflin, be and the same is hereby repealed.

Lumbermans
bank trustees

SECTION 7. That Archibald Tanner, W. W. Hodges and Josiah Hall, trustees of the Lumberman's Bank, at Warren, are hereby required to settle their accounts in court, according to the true intent and meaning of an act of assembly, passed the fifth day of April, one thousand eight hundred and forty-two, and no surrender or pretended surrender of their trust to the stockholders, without settling their accounts in court, agreeably to the resolution of the fifth day of April, one thousand eight hundred and forty-two, shall exonerate them therefrom, but the court shall have power to compel them to settle their accounts, and enforce payment of the balance which shall be found against them as in case of assignees under a voluntary assignments.

Phila Mayor
&c

SECTION 8. That the mayor, aldermen and citizens of Philadelphia, are hereby authorized and directed within six months from the passage of this act, to extend Delaware Avenue, of the full width it now is in said city, across the end of South or Cedar street, so as to form a connection with Wharf street in the district of Southwark.

Clarion col
justices peace

SECTION 9. That justices of the peace for the several townships, in Clarion county, in which vacancies may exist, may be elected at the time and place of electing constables in said townships. The official acts heretofore done by all persons who were elected justices of the peace, for the counties of Venango or Armstrong, who by the erection of said county of Clarion, were set off from either of said counties, shall be held as good and valid as if the same had been done in the county for which they were elected.

SECTION 10. That any bona fide holder or assignee of any claim against the Commonwealth, after final settlement made by the auditor general, with the general claimant may enter the same on the books of the auditor general, and receive a credit for the same in his own name, in the same manner as the original creditors might or could do under the provisions of the resolutions of the general assembly, passed the seventh day of April, one thousand eight hundred and forty-two.

Owner or assignee of claim against state

SECTION 11. That Emulees Rodney Harmes, of Wayne county, Pennsylvania, may hereafter drop the name of "Emulees," and shall be known and designated by the name of Rodney Harmes: *Provided* That said change shall in no way impair or invalidate any obligation heretofore made or entered into by him.

SECTION 12. That the terms of the district court, for the county of Erie, shall be holden on the first Mondays of July and third Mondays of October, instead of the first Mondays of September and December, as heretofore: *Provided*, That this act shall not be so construed as to effect the approaching September term of the said court for one thousand eight hundred and forty-two.

Erie co dist court

SECTION 13. That the provisions of the thirteenth section of the act creating said district court, shall be so extended as to embrace cases in the quarter sessions, to the same extent, and the same manner as in the court of oyer and terminer in the several counties in the sixth judicial district.

Former provisions extended

SECTION 14. That the electors of North Butler township, in the county of Butler, shall hold their elections at the court house in Butler, and Robert Graham and Abijah Evans, shall be inspectors to conduct the next general election.

Butler co

SECTION 15. That the court of common pleas of each county of this Commonwealth, and also the district courts thereof, shall have full power and authority to compel any infant trustee or trustees, or their guardian or guardians to make and execute such deeds or assurances of trust estates, to such person or persons entitled thereto, as shall be equitable and just, and such deed or assurances so made in execution of any such trust, shall be as good and effectual in law as if said infant trustee or trustees were of full age.

Com Pleas and District Courts of common'wltth Trustees &c

SECTION 16. That Mrs. Elizabeth Linn, administratrix of Doctor George Linn, late of Butler county, deceased, is hereby authorized to take title from the Rev'd. Terrence M'Gir, or other person duly authorized to make the same for in-lots in Butler, number twenty-three, and out-lots number nine, ten, twenty-two and twenty-nine of Butler, and also to make sale of all or any part thereof, and make title as well in sales to be made as in sales already made in the life time of said decedent,

Terrence M'Gir to make deed to Eliza Linn

and the deeds so made shall be good and valid: *Provided*, That before any deed be made, for any of the property not sold by said decedent, the sale shall be approved by the Orphans' court of Butler county, and said administratrix shall give security for the proper application of the proceeds of sales to be made as said court shall direct.

Guardians of children of John Welsh to sell real estate SECTION 17. That the guardians of the minor children of John Welsh, deceased, are hereby authorized to sell and make title for a house and lot of ground, in Kittanning, being the same property purchased by said decedent from George W. Smith, Esq. and Catharine his wife: *Provided*, That before execution of said deed the sale shall be approved by the Orphans' court of Armstrong county, and said guardians, shall give such security as said court shall deem necessary to secure the proper application of the proceeds of sale.

Penalty for making impure waters of Conequenessing creek SECTION 18. That if any person shall hereafter throw, cast, or wilfully suffer to fall into any part of the Conequenessing creek, within two miles of the borough of Butler, any dead animal, every such person shall forfeit and pay for every such offence, a sum not less than five dollars nor more than twenty dollars, at the discretion of the justice before whom suit is brought, to be sued for and recovered by action of debt with costs of suit before any justice of the peace of the Commonwealth for the use of said borough.

Greene co SECTION 19. That the second section of the act, entitled "An act for the relief of the volunteer troop styled Greene Cavalry, of Greene county, Pennsylvania, and for other purposes," passed the fourth day of April, one thousand eight hundred and thirty-seven, is hereby extended to the seventeenth division of the Pennsylvania militia.

Meadville and Titusville turnpike road com SECTION 20. That so much of the act entitled "An act authorizing the governor to incorporate the Meadville and Titusville turnpike road company, and for other purposes," passed fourth April, one thousand eight hundred and thirty-seven as relates to said company is hereby continued in full force until the fourth day of April, one thousand eight hundred and fifty-two.

H Dugan vs H W Conrad et al ejectment &c repealed SECTION 21. That so much of the twentieth section of an act, entitled "An act to incorporate the Parryville bridge company, and for other purposes," passed fourteenth April, one thousand eight hundred and thirty-eight, as authorizes an action of ejectment pending in the court of common pleas, of Schuylkill county, wherein Hammond Dugan and others are plaintiffs, and Henry W. Conrad and others are defendants, to be removed into the court of such other adjoining county, in another judicial district as may be approved by the court of

common pleas of Schuylkill county, be and the same is hereby repealed.

SECTION 22. That the stockholders of the Hazleton Coal Company are hereby authorized to elect nine directors at the next, and at all future elections for directors in the same manner as is prescribed in their act of incorporation, for holding elections for directors, and a majority of the said nine directors shall be a quorum for transacting business.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM HIESTER,

Speaker of the Senate.

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

DAVID R. PORTER.

[No. 127.]

AN ACT

To provide for the ordinary expenses of the government, payment of the interest upon the State debt, receiving of proposals for the sale of the public works, 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 state treasurer shall be and is hereby authorized, empowered and required to apply and pay out so much of the interest fund as may be necessary to meet demands on the treasury, under the requisition of law, fund to the various purposes designated by the specific acts of assembly, under which such requisitions shall be made, (except the interest guaranteed to railroad and navigation companies.) And the state treasurer is also directed to pay out of the said funds the sum of one hundred and seventy-five thousand dollars to the commissioners of the internal improvement fund, to be expended, if necessary, for ordinary repairs upon the finished lines of canals and railroads of this commonwealth,

Duties of
State treasurer
interest
fund

To pay com's
of improvement
fund