

Vacation of Canal street, Northern Liberties.

SECTION 2. That that part of Canal street, laid down in the plan or survey of the incorporated district of the Northern Liberties, in the county of Philadelphia, of the width of twenty-eight feet, called Canal street, be and the same is hereby vacated, from the east side of Front street to the west side of Haydock street; and the ground now occupied by said Canal street, shall be the property of the owners of the lots of ground now bounded by said Canal street, where the same is vacated, and the said ground is hereby vested in said owners in fee: *Provided*, The said owners of lots of ground shall pay and refund and pay to the county treasurer of Philadelphia county, any damages that may have been paid for opening said Canal street.

Water commissioners in Northern Liberties and Spring Garden.

SECTION 3. That in case the water commissioners of the Northern Liberties and Spring Garden, in the county of Philadelphia, shall not be able to succeed in making private contracts with any of the owners of property on Thompson street, in Penn township, in said county, for the privilege of laying conduit pipes along the line of said street, a jury of twelve persons shall be drawn in the usual manner from the existing or last road list of jurors for said county, within one week from the time the said water commissioners shall make application to the court of quarter sessions for that purpose; said jury shall, after being duly sworn or affirmed, proceed to assess the damages on such property or properties, and report the same to the said water commissioners which report shall be final, and the water commissioners shall pay the damages so to be assessed, and immediately thereafter they shall be authorized to lay conduit pipes along the line of said Thompson street.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The fourth day of May, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 369.

AN ACT

Further to regulate proceedings in courts of justice, and for other purposes.

Injunctions.

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 no injunctions shall be issued by any court or judge, until the party applying for the same shall have given bond with sufficient sureties, to be approved by said court or judge, conditioned to indemnify the other party for all damages that may be sustained by reason of such injunction.

SECTION 2. No devise or legacy hereafter made in favor of a brother Legacies and de-
or sister, or the children of a deceased brother or sister of any testator, vises.
such testator not leaving any lineal descendants, shall be deemed or held
to lapse, or become void by reason of the decease of such devisee or
legatee, in the lifetime of the testator, if such devisee or legatee shall
leave issue surviving the testator; but such devise or legacy shall be
good and available in favor of such surviving issue, with like effect as
if such devisee or legatee had survived the testator, saving always to
every testator the right to direct otherwise.

WHEREAS, The laws in relation to the collection of tax on collateral Preamble.
inheritances are imperfect, and in order more effectually to secure the
payment of all moneys accruing to the commonwealth for the same :

SECTION 3. That from and after the passage of this act, it shall be Collateral inheri-
the duty, on the payment of said tax by any executor or administrator, tance tax.
to take duplicate receipts from the register, one of which shall be for- Duplicate receipts
warded forthwith to the auditor general, whose duty it shall be to charge Duty of auditor
the register so receiving the money with the amount, and seal with the general.
seal of his office, and countersign the same and transmit it to the execu-
tor or administrator—whereupon it shall be a proper voucher in the
settlement of the estate; but in no event shall an executor or adminis-
trator be entitled to a credit in his account by the register, unless the
receipt is so sealed and countersigned by the auditor general.

SECTION 4. That all judgments heretofore entered on writs of *scire Scire facias.*
facias quare executionem non, shall have the same effect to revive and
continue the lien of the original judgment, as if entered upon writs of
scire facias post annum et diem.

SECTION 5. That in all cases where acts creating railroad or canal Security for canal
companies, security to the owners of lands, through which any canals and railroad dam-
and railroads may pass, is required to be given, and approved by any ages.
of the courts in the counties where such lands lie, said security may be
given and approved of by any two of the judges of said courts during
vacation: *Provided*, That at least five days notice shall first be given
to the owners of such lands, or their known agent or attorney, of the time
and place of offering such security, and the names of the sureties to be
offered.

SECTION 6. That in all cases of appeal from the decision of town- Township audi-
ship auditors, settling the accounts of township officers, to the court of tors.
common pleas of any county, the cost shall abide the event of the suit,
as in other cases.

SECTION 7. That it shall be lawful to serve any summons, rule or Process in Erie
notice issuing out of any of the courts of the counties of Erie or Warren, and Warren
upon any person or persons found at any time in said counties, being a counties.
resident or citizen of the state of New York.

SECTION 8. That hereafter no attorney or judgment fees shall be Judgment or at-
allowed or taxed on the entry of any judgment by confession in any torney fees.
court in this commonwealth, where suit has not been previously com-
menced, and where the amount of said judgment shall not exceed the
sum of one hundred dollars; and the tax to be paid upon the entry of
judgment as aforesaid, and upon the entry of any transcript of the judg-
ment of a justice of the peace or alderman, to create a lien, shall be
paid by the plaintiff, without recourse to the defendant.

SECTION 9. That the lien given by the act of sixteenth June, one Mechanics' lien
thousand eight hundred and thirty-six, entitled "An Act relating to the law extended to the
lien of mechanics and others upon buildings," is hereby declared to curbstones in
Lancaster city.

extend to plumbers, and to persons furnishing curb-stones for the pavement of any building within the bounds of the city of Lancaster.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of May, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 370.

AN ACT

Authorizing the executors of Andrew Jack, to sell and convey real estate.

Preamble.

WHEREAS, Allen Jack, late of Wilkesbarre, in the county of Luzerne, died about the year one thousand eight hundred and thirteen, intestate, unmarried and without issue, seized of certain real estate situate in said borough of Wilkesbarre, as hereinafter more particularly described, leaving a father, John Jack, late of Meachey, in the county of Tyrone, Ireland, but no mother; and also leaving two brothers, William Jack and Andrew Jack, and a sister, Jane Jack, wife of William Simpson, of Omagh, county Tyrone, Ireland:

And whereas, The said William Jack, brother of the said Allen, afterwards, and in the lifetime of his father, died intestate, unmarried and without issue, and the said Andrew Jack, brother of said Allen, afterwards died leaving no widow, but leaving three sons, John Jack, Andrew Jack and William Jack, and two daughters, Elizabeth Jack and Jane Jack, all minors under the age of twenty-one years; and by his last will and testament, duly executed after other bequests and devices, (not including said property,) bequeathed and devised all the residue and remainder of his estate, equally amongst his said three sons, or to which ever of them should be living when of age, and appointed his brother-in-law, Andrew Welsh, of Magheracotton, in said Ireland, one of the executors thereof, to whom solely letters testamentary were duly granted:

And whereas, On the fifteenth day of June, Anno Domini, one thousand eight hundred and thirty, and during the lifetime of the said John Jack, the father, and the said Andrew, brother of said Allen, certain articles of agreement were entered into between the said William Simpson of the one part, and John N. Conyngham, of said Wilkesbarre, of the other part, whereby it was agreed that the said real estate should be conveyed, in fee, to the said John N. Conyngham, in consideration of the sum of two thousand five hundred dollars:

And whereas, The said John N. Conyngham has ever since been in possession of the said premises, under the said agreement, and is desirous that the same be perfected, which cannot be by reason of the minority of the said children of the said Andrew Jack, brother of said