

last mentioned heirs west thirty-three perches to a stake on the line of David S. Grantier; thence along said line north twenty-four perches to the place of beginning; containing about five acres, and being parts of lots of lands sold by David S. Grantier to said John C. Rose, together with all and singular the improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, being the same premises which the said John C. Rose agreed to convey to the said Thomas Owen as aforesaid, and which said Owen has conveyed by deed as aforesaid to William S. Baker; and the said administrator's deed, duly executed and acknowledged as aforesaid, shall be as valid and effectual to pass the interest of said minors in the said estate, as if the same had been duly executed and acknowledged by them, being of full age and unmarried: *Provided*, That the said administrator, before executing such conveyance, shall give bond to the commonwealth, with surety as shall be approved of by the orphans' court of Bradford county, in the sum of twice the amount of said purchase money, conditioned for the faithful application of said money.

Administrators of Reuben Nash to execute certain deed.

SECTION 2. The administrators of the estate of Reuben Nash, late of Bradford county, deceased, be and they are hereby authorized to execute deeds of release to the settlers, and those interested in lands contained in warrants numbers nine hundred and sixty-five and nine hundred and sixty-six, situate in Columbia township, in said county, in pursuance of the contract of said deceased, and with the same effect as if executed by him in his lifetime.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 106.

AN ACT

To allow and regulate appeals to the supreme court, for the Eastern district of Pennsylvania, from the decrees in equity of the court of common pleas of the county of Philadelphia.

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 any person or persons, body or bodies politic or corporate, parties to any suit in equity now pending, or hereafter to be instituted in the court of common pleas of the county of Philadelphia, who may be affected by any interlocutory or final order or decree in such suit in equity, hereafter to be made by the said court of common pleas, shall be entitled to appeal therefrom to the supreme court, in and for the Eastern district of*

Appeals to supreme court.

Pennsylvania, upon the same terms, and with the same regulations as are provided by the existing laws, in regard to appeals from any definitive sentence or decree of an orphans' court: *Provided always*, That in addition to a compliance with the foregoing terms and regulations, it shall be necessary for the party appellant, in order to secure to himself the advantage of a stay or supersedeas of execution, to comply with the following further terms and conditions :

I. If an appeal be made, from any order or decree of the said court of common pleas in equity, directing the payment of money, such appeal shall not stay the issuing of execution or other process, to enforce the decree or any proceedings thereon, unless a bond be given by or on behalf of the appellant, to the adverse party, in a penalty at least double the sum decreed to be paid, with two sufficient sureties, to be approved by the said court of common pleas, or one of the judges thereof, conditioned, that if the appellant shall fail to prosecute his appeal, or if the same be dismissed or discontinued, or if the decree appealed from, or any part thereof be affirmed, then that such appellant will pay and satisfy the amount directed to be paid by such decree, or the part of such amount as to which such decree shall be affirmed, if it be affirmed only in part, and all damages which shall be awarded against the appellant by the said supreme court upon such appeal. Appeals in equity.

II. If the decree appealed from, direct the assignment or delivery of any securities, evidences of debt, documents, chattels or things in action, the issuing and execution of process to enforce such decree, shall not be stayed by such appeal, unless the articles required to be assigned or delivered be brought into court, or placed in the custody of such officers or receivers as the said court of common pleas shall appoint, or unless a bond in a penalty, at least double the value of the articles so directed to be delivered or assigned, be given to the adverse party, with two sufficient sureties, to be approved as hereinbefore directed ; conditioned, that the appellant will abide and obey the order of the said supreme court, made upon the subject of such appeal. Assignments, &c.

III. If the decree appealed from, direct the execution of any conveyance or other instrument by any party, the issuing and execution of process to enforce such decree, shall not be stayed by such appeal, until the appellant shall have executed the conveyance or instrument directed, and deposited the same with such officers or receivers, as shall be designated by the said court of common pleas. Execution of conveyance.

IV. If the decree or order appealed from, direct the sale or delivery of the possession of any real property, the issuing and execution of process to enforce the same, shall not be stayed until a bond be given with sureties as hereinbefore directed, in such penalty as the court of common pleas shall deem sufficient, conditioned that during the possession of such real property by such appellant, he will not commit or suffer any waste to be committed thereon ; and in case such appeal be dismissed or discontinued, or such order or decree be affirmed, such appellant will pay the value of the use and occupation of such property, from the time of such appeal, until the delivery of the possession thereof, pursuant to such order or decree. Sale on delivery of property.

SECTION 2. Whenever in the foregoing cases, an appeal shall be perfected by bringing into court, or depositing pursuant to its order, any articles required to be so deposited, or any instruments required to be executed, or by the giving a bond as herein prescribed, such appeal shall stay all further proceeding in the said court of common pleas, upon the order or decree appealed from, and upon the subject matter embraced in such order or decree ; but shall not prevent the said court of common pleas from proceeding upon any other matter included in the Stay of proceedings.

Proviso.

bill, and not affected by said order or decree: *Provided however*, That whenever the order or decree appealed from, directs the sale of perishable property, notwithstanding any such appeal, and the compliance with the foregoing directions, such property may be sold by a special order of the said court of common pleas, after the making of such appeal; and the proceeds of such sale shall be brought into the said court to abide the final order and decree of the said supreme court.

SECTION 3. That the supreme court in and for the Eastern district of Pennsylvania, and the court of common pleas of Philadelphia county, shall each have all the power and jurisdiction of a court of equity, in all cases of dower and partition, within the city and county of Philadelphia.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 107.

AN ACT

Authorizing John Van Bilbiard and others, trustees, to sell and convey certain real estate.

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 John Van Bilbiard, John Bast and John Shiek, be and they are hereby constituted trustees, with authority to sell and convey in fee simple a certain lot, containing about three-quarters of an acre of land, with an old log school house erected thereon, known as Nances run school house lot, situated in Bethlehem township, Northampton county; the proceeds thereof, to be applied to the payment of the balance due and remaining unpaid for the erection of the brick school house, erected by the trustees of the said Nances run school house, in the said township of Bethlehem: *Provided*, That nothing herein contained, shall authorize the said trustees to dispose of, or interfere with the enclosure immediately attached to the said brick school house.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.