

No. 30.

AN ACT

Authorizing the sale of certain ground rents of the heirs of John Moore, deceased.

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 Samuel D. Phillips, guardian of Mary A. Moore, Benjamin Radcliff and Hiram L. Radcliff, grand-children and heirs of John Moore and Dinah, his wife, formerly Dinah Eastburn, deceased, be and he is hereby authorized to sell at public or private sale, and convey, either separate or by joining with others interested, any ground rent or ground rents which his said wards may be or are entitled to, as fully and effectually as the said wards could do if they were of full age: *Provided*, That before the said guardian shall perform any of the duties under this act, he shall enter into recognizance with such surety and in such penalty as shall be approved by the orphans' court of Montgomery county, for the payment of the proceeds of said sale, to the persons entitled thereto, under the directions of said court.

Power.

Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The tenth day of February, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 31.

AN ACT

Relating to notices in cases of extended 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 so much of the act, entitled "An Act relating to orphans' courts, and for other purposes," passed the thirteenth October, one thousand eight hundred and forty, as requires the plaintiff in any writ of *feri facias*, or his attorney, to give notice to the sheriff, signifying his election, to permit the defendant or defendants, or persons claiming under him or them, to retain the possession of real estate, as its valuation and appraisement, within ten days after holding inquisition, be and the same is here-

Act requiring ten days' notice to be given by plaintiff or att'y, in regard to extended real estate, repealed.

by repealed; and it shall be lawful for any plaintiff or his attorney, to give the notice to the sheriff as is required by said act, at any time after holding inquisition; and in cases where any plaintiff or his attorney has heretofore failed to signify such election to the sheriff within the space of ten days after inquisition, it shall be lawful to do so at any time prior to the first day of October next, and to proceed therein in all other respects as to the acceptance or refusal of the defendant or other persons claiming under him, and as to sale of the premises, as is directed by existing laws: *Provided*, That this act shall not be construed to authorize a notice in any case wherein a writ of *liberari facias* has been or may be executed.

SECTION 2. The notice required to be given by the provisions of the act referred to in the first section of this act, from the defendant or defendants, or other person or persons claiming under him or them, to the sheriff, of his or their willingness to retain possession under the valuation of the inquest, may be given at any time within thirty days from the time of the reception by him or them, of the notice of plaintiff's election to allow him so to retain the same; and in cases where the defendant or defendants or other person or persons so claiming, have neglected to give such notice within the time allowed, it shall be lawful for him or them, to give the same, on or before the first day of October next: *Provided*, That no such notice shall be given in cases where writs of *vend. exponas* have been or may be issued on account of the said notice not having been given according to law.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

APPROVED—The tenth day of February, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 32.

AN ACT

To authorize the canal commissioners to re-examine the claims of Royer and Schmucker.

Canal Commissioners to re-examine claim.

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 canal commissioners be and they are hereby authorized and required to re-examine the claim of John Royer and George Schmucker, doing business under the firm of Royer and Schmucker, for damages done to Cove Forge, and other property belonging to them, on the Frankstown branch of the Juniata river, for damages sustained by them by the freshet in June, one thousand eight hundred and thirty-eight; and whether the destruction or injury to their property, occasioned