

LAWS OF PENNSYLVANIA,

in the county of Cumberland : *Provided*, That the person appointed auctioneer, as aforesaid, shall pay into the treasury of the commonwealth, the sum of twenty-five dollars for his commission.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 105.

AN ACT

To secure to Julius S. Holden a new trial in a certain suit tried in the court of common pleas of Bradford county.

Preamble.

WHEREAS, Julius S. Holden brought an action of trespass before a justice of the peace, in Bradford county, against Francis Cole, Israel Smith, Daniel Cole and others, for an alleged injury done to his real estate, in which case, judgment was rendered by the said justice, and an appeal was taken from said judgment, to the said court of common pleas, where the said case was tried, and a verdict was rendered for the defendants :

And whereas, The said plaintiff, from a misapprehension of his rights, and a misunderstanding between himself and counsel, failed to have an exception to the charge of the court filed in due time and form, and as there is reason to believe, from an opinion expressed by the supreme court in the case, that the judgment of the court of common pleas would have been reversed, had exceptions been filed in due time and form to the said charge ; therefore, in order that justice may be done, and the said plaintiff afforded another opportunity to have the case tried in said court of common pleas—

Court to grant a motion for a new trial, &c.

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 court of common pleas of Bradford county, are hereby authorized and directed to entertain a motion for a new trial, in behalf of Julius S. Holden, in a certain action of trespass brought into said court, by an appeal from the judgment of G. H. Bull, a justice of the peace for said county, to December term, Anno Domini, eighteen hundred and forty-two, wherein the said Julius S. Holden is plaintiff, and Francis Cole, Israel Smith, Daniel Cole and others, are defendants ; and upon the hearing of said motion, the court shall, and they are hereby directed to

grant a new trial in the case, if upon a review of the aforesaid charge, they are satisfied there was error in it, and the said trial shall be proceeded in, in all respects, as if final judgment had not been entered.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 106.

AN ACT

To confirm the title of John and Isaac Beans, and others, to real estate.

WHEREAS, Jacob Garrett, by his will duly proved January sixteen, one thousand seven hundred and fifty nine, devised to his daughter, Margaret Garrett, a certain tract of land in Philadelphia county, providing that if his daughter should die without lawful issue of her body, the same should vest in his sister, Magdalena Gardner, and her heirs: Preamble.

And whereas, Ann Johnson, the lawful issue of the body of said Margaret, in whom said tract of land was then vested, did by her deed, dated January twenty-eight, one thousand eight hundred and twenty-three, recorded amongst the records of the court of common pleas for said county, in book G, page three hundred and eight, with intent of barring said estate tail, in pursuance of an act to facilitate the barring of estates tail, convey the tract of land to Joseph Saul, which deed was duly acknowledged in open court, January thirtieth, one thousand eight hundred and twenty-three, and on motion ordered to be entered on the records thereof, and accordingly so entered, but by inadvertence was neglected to be recorded within six months next after the execution of said deed in Philadelphia county, where said lands lie, as required by the provisions of said act, and which said property was conveyed by the said Joseph Saul to the said Ann Johnson, by deed, dated January twenty-nine, one thousand eight hundred and twenty-three, and recorded in the recorder's office of the city and county of Philadelphia, January thirtieth, one thousand eight hundred and twenty-three; therefore,

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 deed from Ann Johnson to Joseph Saul, dated January twenty-eight, one thousand eight hundred and twenty-three, made for the purpose of barring an estate tail, shall be recorded in the office for recording deeds for the city and county of Philadelphia, *nunc pro tunc*, which recording shall be as effectual for the purpose for which said deed was executed, as if the same had been recorded within six months next after the execution of the said conveyance or assurance, in the county

Deed shall be recorded *nunc pro tunc*.