

No. 277.

A N A C T

To authorize J. H. Smith and wife, to sell certain real estate, in the county of Allegheny.

WHEREAS, Jane Smith, wife of Jonathan H. Smith, esquire, late of Pittsburgh, when about to enter into the marriage contract with said Jonathan, in eighteen hundred and thirty-eight, executed a deed of trust, for the purpose of giving her estate, real and personal, to said trust, for the sole and separate use, and with a general appointment, as she then supposed: *And whereas*, The language of said deed, as to the power of appointment, is somewhat ambiguous, and may be construed so as to restrict her power of disposing of the same, to a testamentary disposition, contrary to her wish and intention, when said deed was executed, and contrary to the understanding with her intended husband, upon their intended marriage; 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 said Jane shall have power of disposing of her said estate so limited, by any instrument, in writing, signed and sealed, and acknowledged, for such estate or estates, and upon such uses and trusts, as she, the said Jane, may deem advisable: *Provided*, That no disposition which the said Jane shall make of said trust estate, shall become valid or effectual, until the present trustee, under said marriage contract, shall have been relieved from, or satisfactorily indemnified for any responsibility or responsibilities, which he may have incurred, for the benefit of the said trust estate or interest, since he became trustee, as aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.