

said Jane Kerr; and the said court are further required to cause the present committee of the person and estate of said Mary Watson, to settle his account, and pay over to the said James C. Kerr, any moneys in his hands, and surrender to the said James C. Kerr the person of the said lunatic, Mary Watson; and the orphans' court of Washington county are required hereby to cause the administrators, with the will annexed, of said Esther Gibson, to settle their account of the administration of said estate, and to pay over to the said James C. Kerr, any moneys in their hands, forthwith, and to deliver over to him all bonds, notes and judgments, and other evidence of debt, which they may have in their possession in relation to said estate; and that they be dismissed from any further execution of said trust, under the last will and testament of said Esther Gibson; *Provided*, That before the appointment of said James C. Kerr, as such committee, he shall give bond, with at least three sufficient sureties, to be approved by said court, in a sum at least double the amount of all the estate which is likely to come into his hands, by virtue of his appointment, conditioned for the faithful discharge of his duties as such committee, and for the faithful application of all the estate coming into his hands as such committee, according to the terms of the last will and testament of said Esther Gibson: *And provided further*, That it shall be lawful for said James C. Kerr, by and with the consent of the court of common pleas of Armstrong county, to place said lunatic in a proper lunatic asylum.

Former committee and administrators, to settle their accounts.

Proviso.

Sureties.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 322.

A SUPPLEMENT

To an act, entitled "An Act to provide for the erection of a house for the employment and support of the poor, in the county of Erie," approved the twenty-fourth day of June, one thousand eight hundred and thirty-nine.

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 if any man shall separate himself from his wife, without reasonable cause, or shall desert his children; or if any woman shall desert her children, leaving them a charge upon the county, in any such case it shall be lawful for any two magistrates of the county, upon complaint made by the directors of the poor of the county of Erie, to issue their warrant to such directors therein, authorizing them to take and seize so much of the goods and chattels, and receive so much of the rents and

Duty of magistrates in cases of deserted children, by their parent.

profits of the real estate of such man or woman, as, in the judgment of the said magistrates, shall be sufficient to provide for such wife, and to maintain and bring up such children, which sum or amount shall be specified in such warrant; but if sufficient real or personal estate cannot be found, then to take the body of such man (or woman,) and bring him (or her) before such magistrates, at a time to be specified in the warrant, aforesaid.

To demand security.

SECTION 2. It shall be lawful for such magistrates, on the return of such warrant, to require security from such man or woman, for his or her appearance at the next court of quarter sessions of Erie county, there to abide the order of the court; and for want of such security, to commit such person to the jail of the said county.

Warrant to be returned to court of quarter sessions.

Order of court.

SECTION 3. The warrant aforesaid, shall be returned to the next court of quarter sessions of the county, when it shall be lawful for the said court, to make an order for the payment of such sums as they shall think reasonable, for the purpose aforesaid, and therein authorizing the directors aforesaid, to dispose of the goods and chattels aforesaid, by sale or otherwise; and to collect and receive the rents and profits aforesaid, or so much of either as in the judgment of the court, shall be sufficient for the purpose aforesaid; but if there be no real or personal estate, it shall be lawful for the court to commit such person to the jail of the county, there to remain until he or she comply with such order, give security for the performance thereof, or be discharged by due course of law.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 323

AN ACT

Relating to a certain suit, and a tax on writs of error.

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 a new trial shall be and hereby is granted and allowed, and directed to be granted and allowed, by the district court for the city and county of Philadelphia, in a certain action therein instituted by John Malone, against the county of Philadelphia, to June term one thousand eight hundred and forty-four, number one hundred and forty-three; and that the said case be proceeded in to trial and judgment, with like effects, in all respects, as if the same had not been heretofore tried in said court, and passed upon on motion for a new trial.

New trial allowed in the case of John Malone, vs. Philadelphia county.