

No. 380.

AN ACT

To authorize Milton Smith to convey the interest in certain real estate of Amelia C. Smith, and others, minors, and for other purposes.

Preamble.

WHEREAS, Kearney Wharton, Lloyd Wharton, and Sarah N. Tallman, late Wharton, on the eighteenth day of June, seventeen hundred and ninety-six, or thereabouts, conveyed all their right, title and interest in a certain lot of ground situate in the district of Southwark, and county of Philadelphia, between Wharton and Dickson streets, and Seventh street and Passyunk road, in said county, to their brother, Moore Wharton, in fee : *And whereas*, The said deed was never recorded, and has since been lost : *And whereas*, The said Kearney Wharton, and the surviving representatives of Lloyd Wharton and Sarah N. Tallman, (with the exception of the minor children of Sarah L. Smith, daughter of the said Sarah N. Tallman, by a subsequent marriage with Samuel Courtauld, who, by reason of their minority, could not join therein) have by their deed confirmed the said title to the said premises, in the present holders, under the said Moore Wharton ; therefore ;

Power to convey.

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 Milton Smith, of the city of Philadelphia, be and he hereby is authorized and empowered to sell and convey all the right, title and interest (if any there be) of Amelia C. Smith, Daniel C. W. Smith, Virginia G. Smith, Milton G. Smith, and Emma N. Smith, minor children of said Milton Smith, of, in and to a certain estate and lot of ground situate in the district of Southwark, in the county of Philadelphia, between Wharton and Dickinson streets, and Seventh street and Passyunk road, in said county, to which the said Amelia C. Smith, Daniel C. W. Smith, Virginia G. Smith, Milton G. Smith, and Emma N. Smith, minor children, as aforesaid, are supposed to have some interest in right of their mother, Sarah L. Smith, now deceased ; and to convey all the right, title and interest of said minors, in fee simple, to the purchaser or purchasers thereof.

Preamble.

WHEREAS, Henry Pratt, of the city of Philadelphia, merchant, deceased, by his last will and testament, bearing date the fourth day of July, Anno Domini one thousand eight hundred and thirty-seven, did give and devise as follows : " I do give and devise unto my executors hereinafter named, and the survivors and survivor of them, and the heirs and assigns of such survivor, all that my messuage or tenement, and lot or piece of ground situate on the east side of Delaware Fifth street, between Walnut and Spruce streets, now occupied by my son-in-law, Thomas M'Kean, esquire, together with the appurtenances in trust, nevertheless, to permit and suffer my said son-in-law, Thomas M'Kean, to use and occupy the said messuage and premises as a dwelling house, free of any charge for rent, during all the term of his natural life ; and from and immediately after the decease of my said son-in-law, Thomas M'Kean, then to hold the said messuage or tenement, and lot

or piece of ground, with the appurtenances, in trust, to permit and suffer my grand-son, Henry Pratt M'Kean, to use and occupy the same, free of rent, during all the term of his natural life, and so that the same shall not be liable to his debts or engagements; or, at the option of my said grand-son, for them, my said executors, to let and demise the said premises, and to collect and receive the rents and income thereof; and after paying all taxes, costs of repairs, and other expenses attending the execution of this trust, to pay the balance of the said rents and income unto the said Henry Pratt M'Kean, for his own proper use and behoof, during all the term of his natural life, and so that the said rents shall not be liable nor subject to any debts contracted, or engagements he may make or incur; and from and after the decease of my said grand-son, Henry Pratt M'Kean, and of my son-in-law, Thomas M'Kean, then I do give, devise and bequeath all the said messuage or tenements, lot or piece of ground in Delaware Fifth street, with the appurtenances, unto all and every the lawful child and children of my said grand-son, Henry Pratt M'Kean, if any that may then be living, and the issue of such of them as may be then deceased, leaving issue his, her or their heirs and assigns forever, in fee simple, if more than one, as tenants in common, and not as joint tenants; the issue, however, of any such child or children, to have and take such part and share only as his, her or their deceased parent or parents would have had, and taken, if then living; and in case my said grand-son, Henry Pratt M'Kean, shall depart this life, and without leaving any lawful issue, him surviving, or any issue of a deceased child or children, him surviving, then, and in such case, I do will and direct, that the said messuage or tenement and lot or piece of ground, with the appurtenances, shall, from and after the decease of both of them, the said Thomas M'Kean and Henry Pratt M'Kean, be deemed and considered as a part of my residuary estate, and included in the disposition which I shall hereinafter make of such residue." *And whereas*, It has been represented that it would promote the interest of those entitled to the said messuage and lot of ground, that the same should be sold, and the proceeds thereof productively invested; therefore,

SECTION 2. *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 trustees for the time being, of the said hereinbefore mentioned messuage and lot of ground, under the said last will and testament of the said Henry Pratt, be and they are hereby authorized and empowered, with the consent and concurrence of the said Thomas M'Kean and Henry Pratt M'Kean, to sell the said messuage and lot of ground at public or private sale, for the best price that can be reasonably obtained for the same; and to convey the same, in fee simple, to the purchaser or purchasers thereof, free from, and discharged of every trust; and without any obligation on the part of such purchaser or purchasers thereof, to see to the application of the purchase money thereof: *Provided, however*, That such purchase money shall be paid to the said trustees, on and under the order of the court of common pleas for the county of Philadelphia, and shall be invested in such manner as the said court shall direct; and the interest thereof shall be paid yearly, and every year, to the said Thomas M'Kean, during his natural life; and after his death, the said purchase money shall be held upon the same trusts as are declared in and by the said last will and testament of, and concern-

Trustees of the estate of Henry Pratt, dec'd, authorized to sell real estate.

LAWS OF PENNSYLVANIA,

ing the said messuage and lot of ground, after the death of the said Thomas M'Kean.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WM. S. ROSS,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 381.

AN ACT

In regard to certain entries in ledgers in the city of Pittsburg, and relating to the publishing of sheriffs' sales, and for other purposes.

Preamble.

WHEREAS, By the great fire, which destroyed a large portion of the city of Pittsburg, on the tenth of April, Anno Domini, one thousand eight hundred and forty-five, a large number of day books, containing the original entries of merchandize sold and delivered, and work and labor done, and other evidences of debt, were destroyed, in consequence of which great loss and injustice must be sustained, unless a remedy be provided: *And whereas*, It is impossible to prove every particular item of an account for goods sold, where the book of original entries has been lost or destroyed; therefore,

Ledger books in
certain cases
made evidence.

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 in all cases where it shall be duly proven, that the books of the original entries of goods sold and delivered, and for work and labor done, were destroyed by the great fire, on the tenth of April, Anno Domini, one thousand eight hundred and forty-five, at the city of Pittsburg aforesaid, the ledger book, duly proved by the oath of the book-keeper or clerk, who posted or transcribed the amount of goods sold, or work and labor done, from the books of original entries, and who shall further testify, that he or she carefully examined the books of original entries, at the time of posting or transcribing the amounts of the different entries of items from said books of original entries, shall be given in evidence to prove the sale and delivery of the amounts of merchandize, or work and labor done therein, posted or transcribed in the regular manner.

Publication of
sheriffs' sales.

SECTION 2. That from and after the passage of this act, it shall not be lawful for the sheriffs' and coroners' of the several counties of this commonwealth, to publish the sales of real estate, as required by the sixty-third section of the act of the sixteenth of June, A. D., eighteen hundred and thirty-six, in any two newspapers published in any one office, or in any two newspapers published by any one man, or any one company of men.