

No. 388.

AN ACT

Relative to the appointment of trustees by orphans' court, and for other purposes.

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 from and after the passing of this act, in all cases where any trustee or trustees created or vested with authority, by the last will and testament of any deceased person, or any writing, testamentary in the nature of a will, shall die, resign, or be otherwise removed from the trust, the orphans' court of the proper county shall have power and authority to appoint another trustee or trustees, to supply the vacancy occasioned by such death, resignation or removal, and shall require security for the faithful performance of the trust; and the said courts are hereby invested with power to dismiss all executors, administrators or guardians of estates held by testamentary trust, in cases of waste or mismanagement, coming within the provisions of the twenty-second section of the act of twenty-ninth March, one thousand eight hundred and thirty-two, relative to orphans' courts.

Powers of orphans' court relative to trustees, executors, administrators and guardians, enlarged.

SECTION 2. That the Schuylkill Bank, in the city of Philadelphia, Defendants authorized to enter an appeal in court of common pleas of Philadelphia, in the case of the Kentucky Bank, *vs.* Schuylkill Bank. *Provided,* That the said Kentucky Bank shall have the right to nominate a receiver, subject to the approval of the said court, who shall take possession of all the personal assets, and superintend the acts and doings of the president and directors of said Schuylkill Bank, and all payments, transfers, or other acts, to be made and done by the said bank, in relation to their moneys, estates or effects; and have all the moneys received or to be received by the said bank, deposited in some proper place, to be named or approved by the said court, subject to the joint drafts of the said president and directors, and the said receiver, and to the order of the said court; and that the said court shall be authorized to issue one or more injunctions, if necessary, to restrain the said Schuylkill Bank, its directors, officers or agents, from parting with any of their moneys, effects or assets, real or personal, without the sanction of the said receiver, and of the said court, until the said appeal be finally decided and determined; and if the said Kentucky Bank shall fail to nominate a receiver, as aforesaid, who shall be approved by the said court, within thirty days after notice given of the passage of this act, to the Kentucky Bank, or its attorney of record, the court shall, upon the request of the Schuylkill Bank, appoint a receiver, and shall require of the receiver appointed under this act, such security as they may deem proper.

Proviso.

Receiver to be appointed.

Court may issue injunctions.

SECTION 3. That in all cases wherein any person has been or may be subpoenaed with a subpoena, *duces tecum*, requiring the production of any title papers, or other documents whatsoever, on the trial of any suit,

Parol evidence, when admissible.

and said person has, or shall refuse to produce any such papers or documents, and for such refusal, has been or may be attached and imprisoned by the court, and subsequently discharged, persisting in such refusal, parol evidence shall be received in relation to the existence and contents of such papers and documents.

County commissioners to publish accounts of registers for collateral inheritance tax. **SECTION 4.** It shall be the duty of the county commissioners of every county, to publish in detail the accounts of registers for collateral inheritance tax, as settled by the county auditors, in the same manner as the accounts of county rates and levies are now required to be published; and the auditor's wages for settling such accounts, shall be paid out of such tax.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WM. S. ROSS,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 389.

AN ACT

To legalize the acts of the justices of the peace, and other township officers of Coryden township, M'Kean, now Warren county, and for other purposes.

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 official acts heretofore done by all persons who were elected justices of the peace, and other township officers for the township of Coryden, M'Kean county, shall be held as good and valid as if the same had been done in the county for which they were elected; and that they shall hold their offices for the same period for which they were elected, as officers of Warren county, as fully, to all intents and purposes, as they could have done if Coryden township, M'Kean county, had not been annexed to Warren county.

SECTION 2. That from and after the passage of this act, it shall be the duty of Andrew W. Ludlow, of Warren county, John Williams, and Jonathan Marsh, of M'Kean county, commissioners appointed by an act of assembly, passed the sixteenth day of April, eighteen hundred and forty-five, to run and establish the line between the counties of Warren and M'Kean, and for other purposes, to make report of their proceedings to the courts of quarter sessions of the counties of Warren and M'Kean, accompanied with a plot or draft of said survey; and it shall be the duty of the clerks of the courts of quarter sessions of said counties, to file the same amongst the records of said courts; and the commissioners aforesaid shall receive for their services two dollars per day, spent in the performance of said duty, to be paid by orders drawn