

No. 317.

AN ACT

For the relief of the heirs of Elizabeth M'Dowell, deceased.

WHEREAS, Elizabeth M'Dowell, late of the county of Mifflin, deceased, during her lifetime, loaned to a certain Desaix Alexander sundry sums of money, for the improvement of the plantation or tract of land then in his occupancy, by virtue of the last will and testament of James Alexander, of said county, deceased, dated the twenty-sixth day of July, Anno Domini one thousand eight hundred and thirty-three; for the better security and payment of the said several sums of money, judgments were confessed by the said Desaix Alexander to the said Elizabeth M'Dowell, which said judgments were, respectively, for the following sums, to wit: one judgment for the sum of one thousand two hundred and ninety-two dollars and forty-seven cents, entered to number six, of January term, eighteen hundred and forty, with interest thereon from the sixth day of November, eighteen hundred and thirty-nine; one for the sum of seventy dollars and thirty-three cents, entered to number fifty five, of April term, eighteen hundred and forty, with interest thereon from the twenty-sixth day of November, eighteen hundred and thirty-nine; one for the sum of two hundred and fifty-two dollars and sixty-three cents, entered to number eight, of November term, eighteen hundred and forty, with interest thereon from the first day of November, eighteen hundred and thirty-nine; one for the sum of four hundred and thirty-seven dollars and fifty cents, entered to number eight, of August term, eighteen hundred and forty-two, with interest thereon from the first day of August, eighteen hundred and forty-one; and one for the sum of eight hundred and twenty-five dollars, entered to number one hundred and forty-one, of August term, eighteen hundred and forty-three, with interest thereon from the eighth day of May, eighteen hundred and forty-three, all of which said judgments, above recited, were entered upon the records of the court of common pleas of Mifflin county:

And whereas, The said Desaix Alexander had only a life estate in the aforesaid plantation or tract of land, and dying shortly after the completion of the said improvements, without having paid any portion of the judgments so confessed and entered up against him, the estate descended to his issue upon whom it was entailed by the said James Alexander, deceased, thereby leaving the said Elizabeth M'Dowell, or her representatives, without any remedy at law, for the recovery of the same; 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 court of common pleas of Mifflin county is hereby authorized and required, to direct an issue to be joined between the administrator of the said Elizabeth M'Dowell, deceased, and Casper Dull, the guardian of Sarah Alexander, the only child of the said Desaix Alexander, deceased, for the purpose of ascertaining how much, if any, of the money for which the aforesaid judgments were confessed by the said Desaix Alexander to the said Elizabeth M'Dowell, was for the improvement of

Court of common
pleas to direct an
issue to try the
facts.

the plantation or tract of land, which was devised to the said Desaix Alexander for life, by his father James Alexander, deceased, and how much the said plantation and tract of land, together with the improvements thereon, was increased in value by means of the expenditure of the said money; and if it shall be found, upon the trial of the issue aforesaid, that the money for which the said judgments were confessed, was loaned by the said Elizabeth M'Dowell to the said Desaix Alexander, for the purpose of improving the said plantation or tract of land, and the improvements thereon, it shall be the duty of the jury to inquire and find how much the value of the said plantation or tract of land, and the improvements thereon, have been increased by means of the expenditure of the said money so as aforesaid loaned by the said Elizabeth M'Dowell to the said Desaix Alexander; and to the extent of the amount so found by the jury, the judgments confessed by the said Desaix Alexander to the said Elizabeth M'Dowell, shall be adjudged and held to be liens upon the said plantation or tract of land, and the improvements thereon, and no further.

SECTION 2. The payment of the said judgments, so far as they shall be adjudged or holden to be liens, may be enforced in the manner that the payment of other judgments are now enforced.

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS: R. SHUNK.

No. 318.

AN ACT

For the construction of a certain dam on the Tangascootack extension of the West Branch division of the Pennsylvania canal.

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 it shall be the duty of the canal commissioners, as soon as practicable, to make or cause to be made, an estimate of the cost of constructing the weir and schute of dam number two, on the Tangascootack extension of the West Branch division of the Pennsylvania canal, of such height as to raise the surface of the pool, at the mouth of Tangascootack creek, four and a-half feet above low water mark; and also, to put in gates already made for locks number two and three, being the out-let locks of said dam, or if such gates should be decayed, to construct others to supply their places, together with all such fixtures as may be necessary to complete said locks.

Canal commissioners to make estimate of cost of construction of a dam.