

No. 245.

AN ACT

Providing for the appointment of a trustee in the room of John Kerlin, of Philadelphia county, deceased, and to appoint an additional trustee for the Union meeting house, in Centre county.

Preamble.

WHEREAS, Henry Martin, of the county of Philadelphia, by deed, dated the twenty-fifth day of July, Anno Domini one thousand eight hundred and thirty-eight, granted and conveyed to John Kerlin, of the same place, one undivided third part of a certain lot of land, situate in the township of Moyamensing and county of Philadelphia, in fee simple:

And whereas, Daniel Mann, of the city of Philadelphia, by deed, dated the twelfth day of December, Anno Domini one thousand eight hundred and thirty-eight, granted and conveyed to the said John Kerlin, one undivided third part of two certain other lots of land, situate in the township and county aforesaid, in fee simple:

And whereas, Daniel Fidler, high sheriff of the aforesaid county, by deed poll, dated the sixth day of July, Anno Domini one thousand eight hundred and thirty-nine, granted and conveyed to the said John Kerlin, one undivided third part of two certain other lots of land, situate in the township and county aforesaid, in fee simple:

And whereas, The said John Kerlin did, by his declaration in writing, under his hand, acknowledge that he had purchased the same lots of land and premises, with the proper moneys of his cestui que trusts, and that he held the same in trust, to and for certain uses in their favor, therein assessed:

And whereas, The said John Kerlin hath since departed this life, whereby the said trust has become vacant:

And whereas, The parties interested as cestui que trusts, are advised by their counsel, that by reason of the omission of the words, "heirs, executors, administrators or assigns," in the said declaration of trust, the existing laws of this state providing for the filling of vacancies occasioned by the death of trustees, do not apply to this case, and that the said cestui que trusts are without remedy, except by the interposition of the legislature:

And whereas, All the parties interested in said lots of ground and premises, desire and request that the vacancy in said trust be supplied by the appointment of Augustus De Kalb Tarr, of the city of Philadelphia, attorney at law; therefore,

Augustus De Kalb Tarr, appointed trustee in place of John Kerlin, deceased.

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* Augustus De Kalb Tarr, of the city of Philadelphia, be and he is appointed trustee in the place and stead of John Kerlin, deceased, with all the same and every power and authority as trustee in the premises. as if the said conveyances in the preamble hereto set forth and described, were originally made to him instead of the said John Kerlin: *Provided nevertheless, That* if the said trusts shall become vacant by death or otherwise, the cestui que trusts, their heirs, executors, administrators or assigns, shall and may, and they are hereby authorized to appoint

another suitable person to fill such vacancy, who (when so appointed) shall have and enjoy all the same and every power, privilege and authority, as trustee in the premises, as if originally made to him instead of the aforesaid Augustus De Kalb Tarr:

Whereas, William Paxton and Jane, his wife, by their deed, dated December eighth, Anno Domini one thousand eight hundred and twenty-four, recorded in the office for the recording of deeds in and for Centre county, book G, page three hundred and ninety-nine, conveyed to James Alexander, Eli Cadwallader and Casper Peters, and to the survivors and survivor of them, a lot of land containing one hundred and thirty-six perches, neat measure, in trust for the erection of a house for public worship, to be opened to all denominations of professing christians:

And whereas, One of the said trustees, Eli Cadwallader, removed shortly after he accepted said trust, from this commonwealth, and cannot discharge the duties of said trust; therefore,

That the court of common pleas of Centre county, be and they are Court of common hereby authorized to appoint a trustee in the place and room of the said pleas of Centre Eli Cadwallader, which trustee, so appointed, shall enjoy all the powers county to appoint a trustee. his co-trustees have in the premises, of and in pursuance of the said deed of trust.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 246.

A N A C T

To authorize William G. Hawkins, administrator, to sell certain real estate.

WHEREAS, Aaron Whitaker, late of Allegheny county, deceased, purchased about eight hundred acres of land in Armstrong county, and erected a furnace thereon, commonly known by the name of the American furnace:

And whereas, By articles of co-partnership, dated the twenty-fourth of April, one thousand eight hundred forty-seven, he sold two-thirds of said establishment to George Ledlie and John Jamison, with whom he entered into articles of association as partners:

And whereas, Said partnership has been dissolved by the death of said Whitaker; 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 Administrator authorized to sell William G. Hawkins, of Allegheny county, administrator of Aaron Whitaker, deceased, be and he is hereby authorized to sell at public or and convey.