

authority to appoint one or more deputies to assist him in the execution of the duties of his office.

Power to establish a bill of fees, &c.

SECTION 9. The burgess and town council of the said borough of Erie, shall have power and authority, from time to time, to ordain and establish a bill of fees and charges upon all steamboats, vessels, canal boats, and other craft loading or unloading in the harbor of Erie, which the said harbor master shall be entitled to demand, ask, sue for and recover from any master or owner of such steamboat, vessel, canal boat or other craft as aforesaid, for his services in attending to the duties of his appointment.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 314.

AN ACT

In relation to the sale of certain real estate, and the orphans' courts.

Preamble.

WHEREAS, Nathaniel Newlin, late of the township of Darby, in the county of Delaware, and state of Pennsylvania, deceased, in and by his last will and testament, duly proved in the office for the probate of wills, at Chester, in the county aforesaid, the thirteenth day of October, Anno Domini, one thousand eight hundred and twenty-nine, did, among other things, devise as follows, to wit: "I order and direct, that my executor hereinafter named, shall divide, or cause to be divided, as soon after my decease as conveniently may be done, all that lot or piece of wood land situate in Darby township aforesaid, containing thirty-one acres, one quarter, and twenty-nine perches, being the same which I bought of John Rively, and adjoining on the west of other of my land, into three parts or shares, by straight lines running parallel to, and of the same length of the boundary lines upon the east and west sides of said lot, said lines running south twenty-seven and a-half degrees east one hundred and seven chains, and in such manner that the part or share on the westernmost side of said lot, and next to land now or late of J. Bonsall, may contain eleven acres, one quarter, and twenty-nine perches; and also, that my executors aforesaid do, at the same time, lay out and continue the private road, of twenty feet width, now running along the southern end of the aforesaid lot or piece of twenty-seven acres, one quarter, and sixteen perches, so that the said road may extend and lead into the said part or shares of eleven acres, one quarter, and twenty-nine perches. Item: I give and devise to my nephew, Cyrus Mendenhall, of Lower Chichester, and my friend,

Thomas Smith, esquire, of Darby, the parts and parcels of land mentioned in this item, in trust, as herein declared; that is to say, I give to the said Cyrus Mendenhall and Thomas Smith, esquire, all that part or share of wood land, containing eleven acres, one quarter, and twenty-nine perches, to be laid off as aforesaid, together with the use of the said twenty feet wide road, to be continued as a passage into, out of and from the same; and all that piece of marsh meadow, which I bought of the executors of Isaac Pearson, deceased, situate in the township aforesaid, containing seven acres and one-half, more or less, to have and to hold the premises in this item given and devised to them, the said Cyrus Mendenhall and Thomas Smith, esquire, the survivor, and heirs of the survivor of them, in trust, nevertheless; and to this intent, that they, the said Cyrus Mendenhall and Thomas Smith, esquire, the survivor, or heirs of the survivor of them, do collect and receive the rents, issues and profits arising from said premises, and that they pay over the said rents, issues and profits to my daughter, Esther Smith, wife of Samuel Smith, of Chester, for her separate use and benefit, during the joint life of her and her said husband; her receipt shall be a sufficient discharge for the same; and in case she depart this life before her said husband, then to pay the said rents, issues and profits unto the children of her body, which, from time to time, are surviving, share and share alike; and in case either of the said children die, leaving issue, then to pay to the said issue such share of the said rents, issues and profits as would have been paid to the parent of such issue, if said parent had been living; and in case the said Samuel Smith depart this life before my said daughter Esther, then and in that case my said daughter Esther to have and enjoy the property the same as though no trust had been created, to her heirs and assigns forever; and if my said daughter Esther be not surviving at the death of the said Samuel Smith, but has left children, and the issue of children deceased, or issue of children, then in trust for the right heirs of the said Esther; and in case the said Esther and all her children die without issue, then in trust for my heirs forever."

And whereas, The said Esther Smith and Samuel Smith, her husband, and all the children of the said Esther, to wit; Nathaniel N. Stokes, John Stokes, Mary Stokes, Samuel N. Smith, Martha Smith, and Lydia Chapman and Edward H. Chapman, her husband, having, by their petition, represented to the senate and house of representatives, that the said Thomas Smith, esquire, is now deceased, and that the said tract of land and marsh meadow are almost or quite unproductive; and that it is for the interest of the said Esther Smith, and all the other parties interested, that said premises should be sold, and the purchase money invested at interest; 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 said Cyrus Mendenhall, the surviving trustee, be and he is hereby authorized to grant, bargain and sell, to any person or persons, in fee simple, the said tract of wood land, containing eleven acres, one quarter, and twenty-nine perches, with the use of said twenty feet wide road; and also the same piece of marsh meadow, containing seven and an-half acres, together with the appurtenances thereunto belonging, so as aforesaid devised, in trust, to the said Cyrus Mendenhall and Thomas Smith, esquire; and to make, execute, acknowledge and deliver a good and sufficient deed or deeds to the purchaser or purchasers thereof, in fee simple, altogether discharged from any and every use, trust, contingency, provision or limitation created by the said will, and from any

Surviving trustee authorized to sell and convey real estate of Esther Smith.

obligation, on the part of the purchaser or purchasers, to see to the investment or application, misapplication or non-application of the purchase money, or any part thereof, in any event whatever.

Proceeds to be invested by trustee.

SECTION 2. That the said Cyrus Mendenhall be and he is hereby authorized, empowered and required to take and hold the proceeds of the sale of the said real estate, in trust to and for the same uses and purposes as the said real estate was and is held by him, and to invest, and keep the same invested at interest, secured by mortgage or judgment on good and sufficient real estate security, for the time provided in said will for the continuance of said trust; and the said trustee shall, from time to time, receive the interest on said investments, and the same, as often as by him received, pay over to the person or persons entitled, under the said will, to receive the rents, issues and profits of said real estate: *Provided*, That before this act shall become operative, the said trustees shall give security, to be approved by the orphans' court of Delaware county, for the faithful application of the proceeds of the sale authorized by this act.

Proviso.

Samuel Woodburn authorized to sell real estate of Associate Presbyterian church of Carlisle.

SECTION 3. That Samuel Woodburn, of the county of Cumberland, be and he is hereby authorized and empowered to sell and convey a portion of the lot of ground belonging to the Associate Presbyterian congregation of the borough of Carlisle, in said county, on which the church belonging to said congregation is erected: *Provided*, The said Samuel Woodburn give such security as may be required, for the faithful application of the proceeds arising from such sale.

Escheated estate of Sarah Stamp, vested in Peter Daniel and others.

SECTION 4. That the claim, interest and estate of the commonwealth, in and to the estate of Sarah Stamp, deceased, be and they are hereby vested in Peter Daniel, Jacob Daniel, Samuel Daniel, David Daniel, and Mary E. Daniel, in the same manner, and in such shares as if the estate had descended to them under the intestate laws, together with all the rights and remedies for the recovery thereof, in whosoever hands or possession the same may be found, which the commonwealth of Pennsylvania now hath: *Provided however*, That the said Peter, Jacob, Samuel, David, and Mary E. Daniel, shall pay or secure the payment to the said commonwealth, out of the said estate to be recovered by them, all the costs and expenses to which the commonwealth has been subjected in procuring the escheat of said estate: *And provided also*, That this act shall not be construed to release the collateral inheritance tax.

Proviso.

Proviso.

Executors of Mary Forepaugh, deceased, to give security.

SECTION 5. That before the act, entitled "An Act relating to the estate of Mary Forepaugh, late of the Northern Liberties, in the county of Philadelphia, widow, deceased, shall go into effect, William F. Ireland, and William F. Forepaugh, executors of the estate of said Mary Forepaugh, deceased, shall give security in such sum as may be directed and approved by the orphans' court of Philadelphia county, for the faithful application or re-investment of the proceeds, before making sale of any part of the said real estate, or extinguishing the said ground rents.

Act discharging school directors and treasurers for taking compensation, repealed.

SECTION 6. That the sixth section of the act of the sixteenth day of March, one thousand eight hundred and forty-seven, entitled "An Act to cure a defect in the title to certain real estate, and relative to the real estate of John B. Mish, deceased, and the preservation of liens and for other purposes," be and the same is hereby repealed.

Preamble.

SECTION 7. That whereas, Joseph P. Kennedy, and Elizabeth Kennedy, his wife, of Rush township, Northumberland county, appointed William H. Muench, attorney in fact, to sell their interest in the real estate of Jacob Reed, deceased, who was the father of Mrs. Kennedy; and that in pursuance of the power of attorney thus given, the said

attorney sold the real estate, consisting of several parcels, and the purchasers having all paid more or less, some of them having paid all and taken possession of the lands: *And whereas*, Elizabeth Kennedy afterwards died, before proper deeds had been executed for the lands, without making provision by will or otherwise for the execution of said contract; therefore, authority is hereby given to the said attorney, upon payment of all purchase money, or securing the same according to the terms of contract between said attorney and his principals, to make, execute, acknowledge and deliver to the purchaser or purchasers, sufficient deed or deeds of conveyance for such real estate, in the same form and manner as if said deed or deeds had been made and executed in the lifetime of the said Elizabeth Kennedy; and also to make, execute and deliver to such purchaser or purchasers, any and all other instruments of writing necessary to be executed and delivered in and about the completion and perfecting of such sales, which deed or deeds so executed and delivered, shall be as valid and effectual in passing the estate and interest of such principals, in the real estate therein granted and conveyed, and vest the title in the same to the purchaser or purchasers as fully and completely, as if such deed or deeds had been made, executed and delivered in the lifetime of Elizabeth Kennedy: *Provided*, That before the said attorney shall be at liberty to act under the authority hereby conferred on him, he shall give security in such sum and in such manner as the orphans' court for the said county of Northumberland shall direct, for the faithful execution of the authority hereby conferred on him, and the just application of all such purchase moneys.

Attorney in fact of Joseph P. Kennedy, and Elizabeth, his wife, authorized to execute deeds for sale of real estate.

Proviso.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 315.

A SUPPLEMENT.

To an act, entitled "An Act to incorporate the town of Columbia, in the county of Lancaster," and to secure the payment of taxes in the borough of Harrisburg.

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 all taxes, rates and levies, which may be hereafter lawfully imposed or assessed by the town council of the borough of Columbia, in the county of Lancaster, on real estate situate within the said borough, shall be and they are hereby declared to be a lien on the said real estate on which they may hereafter be imposed or assessed, together also with

Taxes to be a lien on real estate.