

No. 372.

A SUPPLEMENT

To an act, entitled "An Act relative to the Le Raysville Phalanx," passed March, Anno Domini one thousand eight hundred and forty-seven, and relative to obligors and obligees, to secure the right of married women, in relation to defalcation, and to extend the boundaries of the borough of Ligonier.

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 judges of the court of common pleas of Bradford county, are hereby empowered and required, upon the application of any person interested, to appoint three trustees to settle the affairs of the Le Raysville Phalanx; and that the trustees appointed under the provisions of this supplement, shall have all the powers, and be subject to all the restrictions, as were the trustees appointed by the act to which this is a supplement.

Court to
appoint trustees to settle
affairs of Le
Raysville Phalanx.

SECTION 2. That so much of the first section of the act to which this is a supplement, as names Gould Seymour, Daniel Bailey, Isaac Seymour, trustees as aforesaid, be and the same is hereby repealed.

Repeal.

Judgment obtained
against co-obligors, &c., the
death of one shall
not discharge his
estate from payment.

SECTION 3. That where a judgment shall hereafter be obtained against two or more co-partners, or joint or several obligors, promisors or contractors, the death of one or more of the defendants shall not discharge his or their estate or estates, real or personal, from the payment thereof; but the same shall be payable by his or their executors or administrators, as if the judgment had been several against the deceased alone.

Suits against executors and administrators of deceased co-partner provided for.

SECTION 4. That in any suit or suits which may hereafter be brought against the executors or administrators of a deceased co-partner, for the debt of the firm, it shall not be necessary to aver in the record, or prove on the trial, that the surviving partner or partners is or are insolvent, to enable the plaintiff to recover.

Judgment recovered against co-partners or co-obligors, &c., shall not bar a future recovery.

SECTION 5. That where a judgment shall be hereafter recovered against one or more of several co-partners, joint or joint and several obligors, promisors or contractors, without any plea in abatement, that all the parties to the instrument or contract on which the suit is founded, are not made parties thereto, such judgment shall not be a bar to a recovery in any subsequent suit or suits against any person or persons, who might have been joined in the action in which such judgment was obtained, whether the same shall be obtained amicably or by adversary process.

Rights of married women secured.

SECTION 6. That every species and description of property, whether consisting of real, personal or mixed, which may be owned by or belong to any single woman, shall continue to be the property of such woman, as fully after her marriage as before; and all such property of whatever name or kind, which shall accrue to any married woman during coverture by will, descent, deed of conveyance or otherwise, shall be owned, used and enjoyed by such married woman as her own separate property; and the said property, whether owned by her before marriage, or which shall accrue to her afterwards, shall not be subject to levy and execution for the debts or liabilities of her husband, nor shall such property be sold, conveyed, mortgaged, transferred or in any manner encumbered by her husband, without her written consent first had and

obtained, and duly acknowledged before one of the judges of the courts of common pleas of this commonwealth, that such consent was not the result of coercion on the part of her said husband, but that the same was voluntarily given and of her own freewill: *Provided*, That her said husband shall not be liable for the debts of the wife contracted before marriage: *Provided*, That nothing in this act shall be construed to protect the property of any such married woman, from liability for debts contracted by herself, or in her name by any person authorized so to do, or from levy and execution on any judgment that may be recovered against a husband for the torts of the wife, and in such cases execution shall be first had against the property of the wife.

SECTION 7. That any married woman may dispose, by her last will and testament, of her separate property, real, personal or mixed, whether the same accrues to her before or during coverture: *Provided*, That said last will and testament be executed in the presence of two or more witnesses, neither of whom shall be her husband.

SECTION 8. That in all cases where debts may be contracted for necessities for the support and maintenance of the family of any married woman, it shall be lawful for the creditor in such case, to institute suit against the husband and wife for the price of such necessities, and after obtaining a judgment, have an execution against the husband alone; and if no property of the said husband be found, the officer executing the said writ shall so return, and thereupon an alias execution may be issued, which may be levied upon and satisfied out of the separate property of the wife, secured to her under the provisions of the first section of this act: *Provided*, That judgment shall not be rendered against the wife, in such joint action, unless it shall have been proved that the debt sued for in such action, was contracted by the wife, or incurred for articles necessary for the support of the family of the said husband and wife.

SECTION 9. That when any married woman, possessed of separate personal property as aforesaid, shall die intestate, her husband shall be first entitled to letters of administration on her estate, which said estate shall be distributed as follows: If such married woman shall leave no children, nor the descendants of such living, the husband shall be entitled to such personal estate absolutely; if such married woman shall leave a child or children living, her personal estate shall be divided amongst the husband and such child or children, share and share alike; if any such child or children being dead, shall have left issue, such issue shall be entitled to the share of the parent.

SECTION 10. That the real estate of such married woman, upon her decease, shall be distributed as provided for by the intestate laws of this commonwealth now in force: *Provided*, That nothing contained in this act shall be deemed or taken to deprive the husband of his right as tenant by courtesy.

SECTION 11. That the eleventh section of the act of eighth April, one thousand eight hundred and thirty-three, entitled "An Act relating to last wills and testaments," shall not be construed to deprive the widow of the testator in case she elects not to take under the last will and testament of her husband, of her share of the personal estate of her husband under the intestate laws of this commonwealth, but that the said widow may take her choice, either of the bequest or devise made to her under any last will and testament, or of her share of the personal estate under the intestate laws aforesaid.

SECTION 12. That in all cases where by the verdict of a jury, any debt or damages shall have been found or certified in favor of the defendant, he shall be entitled to judgment and execution in like manner as if the verdict were in favor of the plaintiff; and the defendant need not

Proviso.

Proviso.

She may dispose of her estate by will.

Proviso.

Proceedings in cases of debts for necessities of life.

Proviso.

Distribution of personal estate in case of intestacy.

Of real estate.

Widow's right of election under will, extended.

Judgment in favor of defendant may be recovered without resort to sci. fa.

resort to a scire facias as required by the act of seventeen hundred and five, for defalcation.

Limits of the
borough of Ligo-
nier extended.

SECTION 13. That the limits of the borough of Ligonier, in the county of Westmoreland, be and the same are hereby extended so as to include William Atcheson, Robert Galbreath, Robert Graham, Joseph Moorhead and Andrew Bellinger, on the east end of said borough, including the lands on both sides of the turnpike, bounded by the following lines: commencing at an alley; thence south forty-nine degrees east ten and nine-tenths perches; thence south forty degrees west ten and nine-tenths perches, to the turnpike; thence along said turnpike north forty-nine degrees west ten perches and nine-tenths, to an alley; thence along said alley to the place of beginning; and also the lands included in the following boundaries: commencing at the aforesaid alley; thence south forty-nine degrees east ten and nine-tenths perches; thence north forty degrees east ten and nine-tenths perches, to the turnpike; thence along said turnpike to the alley aforesaid; thence along said alley to the place of beginning; and also to include Henry Lowry on the west, embracing the lands contained in the following boundaries: commencing at the borough line; thence along the same eleven perches to the turnpike; thence along said turnpike five perches and two-tenths; thence north forty-one and one-half degrees east eleven perches; thence south forty-nine degrees west five and two-tenths perches, to the place of beginning; and the persons aforesaid, included by this act in said borough, shall have all the rights and privileges of the other citizens of the borough, and be subject to the like duties.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. F. JOHNSTON,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 373.

AN ACT

Relating to the lien of judgments in certain cases.

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 fourth section of the act of sixteenth of March, one thousand eight hundred and forty-seven, entitled “An Act to cure a defect in the title of 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

Act which continues the liens of judgments in certain cases without revival, repealed.