

No. 169.

AN ACT

To authorize the sale of certain real estate in Chester county; and relative to the Protection mutual fire insurance company of said county.

Preamble

WHEREAS, Joseph Cope, Nathan Sharples and Jesse Hoopes, in the year one thousand seven hundred and eighty, became seized in fee of a certain lot of ground containing two acres and forty perches, situate in the township of East Bradford, in the county of Chester, which they held in trust for members of the society of Friends, (commonly called Quakers,) belonging to Concord, Bradford and Goshen monthly meetings of said society, living contiguous to said land, for the purpose of a school for said members, and upon trust that whenever any of said trustees should die or cease to be members of said society, others should be appointed by a majority of said members, living contiguous to said land, and that upon request of a majority of said members, the said trustees should convey the same to other trustees for the same purposes :

And whereas, On the sixth of April, one thousand eight hundred and twenty-three, by request as aforesaid, the said trustees did convey the said land and school house thereon erected, to James Taylor, Thomas Hoopes, junior, and others, in trust for the same purposes, and the said James Taylor and Thomas Hoopes are the only remaining trustees :

And whereas, The said property has ceased to be used for the purposes aforesaid, and in consequence of a division in the said society and of the establishment of public schools in the vicinity, it is not probable the said property will again be used for the purpose for which it was conveyed in trust, it is therefore desirable the same should be sold and the proceeds distributed for the benefit of those for whom it was originally intended :

And whereas, Each branch of the said society since their separation has a preparative meeting established in West Chester, and all, or nearly all the members who were or would be interested in the said school house and land, belong to one or the other of said preparative meetings ; 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 James Taylor and Thomas Hoopes, trustees of a certain school house and lot of ground in East Bradford township, Chester county, containing two acres and forty perches, be and they are hereby authorized to sell at public sale, after three weeks' public notice given of the time and place of sale, the said school house and lot of ground ; and after payment of the necessary expenses attending the same, distribute the balance of the proceeds equally between the two preparative meetings of the people commonly called Quakers, established in West Chester, in the said county of Chester, to be appropriated by the said meetings respectively in the repairs of their respective meeting houses or burial grounds.

SECTION 2. If either of the said trustees shall refuse to act in the premises, it shall be lawful for the other trustee to take upon himself all

James Taylor
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tain school
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ground.

the duties enjoined by this act, and immediately after sale and realization of the proceeds as aforesaid, give notice by advertisement, published three successive weeks in a newspaper printed in said county, that the said proceeds are ready for distribution under the provisions of this act, which advertisement shall be considered sufficient notice to the said meetings, of their right to claim the said proceeds; and if either of the said meetings shall neglect or refuse to demand and receive its proportion of the said proceeds, for the space of three months after notice as aforesaid, in such case the whole of said proceeds shall be paid to, and held and appropriated by the other of said meetings.

SECTION 3. The said trustees or trustee who shall sell the said land, shall convey the same to the purchaser in fee simple, by deed duly executed and delivered, and the said purchaser shall thereby become vested with all estate or estates therein. Deed.

SECTION 4. Before a sale of the said land shall be made, the said trustees or trustee who shall be willing to sell the same, shall give bond in the name of the commonwealth, with security, to be approved of by the court of common pleas of said county, conditioned for the faithful distribution of the proceeds aforesaid, agreeably with the provisions of this act. Trustee to give bond.

WHEREAS, It is represented to the legislature, by the petition of all the parties interested, that Morris Dickinson and Mary Ann, his wife, of Chester county, in September, eighteen hundred and forty-eight, entered into a parol contract to sell and convey to Joseph Morris Way, the undivided moiety of a tract of land situate in West Marlborough township, in said county, bounded by lands of Ann Gest, Elisha B. Taylor, Abiah Cope, George Mitchell, and others, containing about seventy-one acres, more or less, which the said Mary Ann held under the will of Jeremiah Bernard, deceased, subject to the life estate of her mother, Mary Way, which sale was for full value, to wit: two thousand five hundred and ninety-one dollars fifty cents, payable at the death of the said Mary Way; that the said Mary Ann Dickinson died before the execution of the said contract, intestate, leaving one child, Mary Ann Dickinson, to whom her estate descended, and for whom Elisha B. Taylor is guardian; that it is desirable the said contract be specifically executed, and there is now no authority in the courts to carry it into execution; therefore, Preamble.

SECTION 5. *Be it further enacted*, That Elish B. Taylor, guardian of Mary Ann Dickinson, a minor child of Morris Dickinson and Mary Ann, his wife, of Chester county, be and he is hereby authorized to make and execute a deed conveying to Joseph Morris Way, in fee simple, all the estate and interest of the said minor, in the above described tract of land, upon the said Joseph Morris Way executing a mortgage securing the payment of the said sum of two thousand five hundred and ninety-one dollars fifty cents, to the said Mary Ann Dickinson, at the death of the said Mary Way, to be the first lien upon the said tract. Guardian of Mary Ann Dickinson, minor, authorized to make and execute a deed, &c.

SECTION 6. That every person who shall become a member of the Protection mutual fire insurance company of Chester county, shall, in case of loss or losses by the said company, by reason of insurances of property made by the same, be liable for the payment of his or her proportion of the said loss or losses, according to the amount of his or her insurance in said company, but in no event shall the insurance be liable for the payment of a proportion of said loss or losses exceeding his or her deposit or premium paid or secured to be paid to said company; and so much of the act of March fifteenth, A. D., one thousand eight hundred and forty-eight, entitled "An Act to incorporate the Protec- Protection mutual insurance company of Chester county, relative to.

tion mutual fire insurance company of Chester county," as is inconsistent with this act, is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 170.

AN ACT

To establish a ferry in Westmoreland county, at Suter's saw mill.

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 Eli Suter and his heirs and assigns, shall have the right and privilege, at their expense, to make good and convenient landings on the east and west side of the Youghiogheny river, at Suter's saw mill, in Sewickly township, Westmoreland county.

Eli Suter and
heirs to have the
right to make
landings, &c.

To keep them in
good condition,
&c.

SECTION 2. The said Eli Suter, his heirs and assigns, shall keep the said landings and ferry in good condition and repair, fit for the transportation and passage of men and horses and other animals, and carriages of all descriptions; and shall keep good and substantial boats and other necessary crafts, and competent and careful ferrymen, who shall constantly, as occasion may require, attend for the purpose of transporting travelers and others, cattle and carriages over the said river, with all reasonable diligence and attention.

Tolls.

Proviso.

SECTION 3. That the said Eli Suter, his heirs and assigns, for keeping up and maintaining the said landings and ferry as aforesaid, shall receive from persons passing over said river at said ferry, such prices and charges as are customarily paid at other ferries on said river, subject to such rules and regulations as the court of quarter sessions of the county of Westmoreland may direct: *Provided,* That nothing in this act contained shall be so construed as to invest in said Eli Suter and his heirs and assigns, the right to receive or charge any travelers, cattle or carriages as aforesaid, on land belonging to any other person or persons, without the consent of the owner or owners of said land, or to prevent any future legislation from resuming the privileges hereby granted.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.