

Reservation. SECTION 6. 'The legislature hereby reserves the right to alter, amend or annul the charter hereby granted, whenever in their opinion the same may be necessary.

Bridge across the Yellow Breeches creek at Brooks' fording, for the erection of. SECTION 7. 'That within two years after the passage of this act, the commissioners of the counties of Cumberland and York shall erect a bridge at the joint expense of their respective counties, across the Yellow Breeches creek, at the fording commonly called Brooks' fording, on said creek, without any compliance with the provisions of the acts of the general assembly in relation to the erection of county bridges by adjoining counties: *Provided always*, That the said bridge when built, shall in all respects be subject to the provisions of the several acts aforesaid.

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

V. BEST,
Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 338.

AN ACT

Relating to the estate of Peter Hehn, late of Berks county, deceased; to the Catholic and Lutheran cemeteries of the city of Reading; and to authorize the conveyance of certain real estate to the Central Presbyterian church, in the city of Philadelphia.

Preamble. WHEREAS, Peter Hehn, late of Maxatawny township, Berks county, deceased, in his last will and testament made divers bequests as by his last will and testament filed in the office for registering wills of Berks county appears, part of which reads as follows: I bequeath unto Matilda Helfrick my plantation and lands, together with all the buildings and appurtenances, with the exception of certain improvements otherwise bequeathed, providing that in case of the death without bodily issue of said Matilda, said property was to revert to other grantees named in said last will:

And whereas, The said Matilda, now intermarried with Daniel Kohler, has become heir in trust of said estate, having offspring and heirs, and said heirs being in accordance with the tenor of the last will and testament of said Peter Hehn, deceased, sole and indisputable heirs to said real estate after the demise of said Matilda, and the widow of said deceased widow:

And whereas, 'The affairs of the estate have been managed in such a manner by the persons in whose trust they were placed by the testator and others, as to squander the means left by said deceased for the payment of certain just debts against said estate, as well as keeping in

repair said farm and buildings, and leaving certain debts unpaid till this day, as well as leaving the buildings of said farm in a dilapidated condition :

And whereas, The above named Daniel Kohler, appointed administrator de bonis non et cum testamento annexo according to law, upon complaint of the mismanagement of his predecessors, has become personally responsible for the payment of those debts, et cetera, amounting to six thousand eight hundred dollars, for the payment of such claims of collateral inheritances, et cetera :

And whereas, Said Daniel Kohler, administrator as aforesaid, as well as Matilda, his wife, late Matilda Helfrick, legatee above named, have issue, two children living, and desire that the estate might be preserved in good order according to the design of the testator, as well as all claims thereon paid ; and further, there is certain lots of ground adjoining the main farm that are either necessary to said farm in order to afford egress and ingress to the buildings, and in fact almost adjoin said buildings, or else would very much improve the value of said farm :

And whereas, Part of the property so bequeathed consisting of fifteen acres of land, lie a distance from and inconvenient to said farm, the sale of which would enable the residuary heirs and administrator to purchase such lands as are necessary to afford ingress and egress to the buildings, as well as other adjoining land, making the whole more valuable than it now is, at the same reserve so much of the proceeds of such sale as is necessary to repair the buildings and fences on said estate and make the home of the widow of said testator, who is now advanced in age, comfortable :

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 Daniel Kohler, administrator de bonis non et cum testamento annexo of Peter Hehn, deceased, by virtue of which he has become trustee of the said real estate, he as trustee, or he and his wife the said Matilda is or be, as the case may be to suit *purchases*, hereby authorized and empowered to sell at public or private sale the piece of land above described, to give a deed executed by him or them as the case may be as above, which deed shall convey the title which the testator held in the aforesaid piece of land, at and immediately before his decease, and after deducting the state tax, if any, to which this act is liable under the first section of the act of sixteenth April, one thousand eight hundred and forty-five, and the expenses of effecting said sale, to invest the proceeds thereof by purchasing in lieu thereof and by virtue of this act, one or more lots or fields adjoining the main tract or farm of the said deceased, reserving in the title of such purchase the clause that such lot or field, or lots or fields thus purchased, were bought by virtue of this act, and subject to the same rights, claims and provisions of the said will and testament of the said Peter Hehn, deceased, as though the same were and belonged to him in his lifetime: *Provided,* That the orphans' court of Berks county, to which court in due time access for or against such sale and purchase may be had, approve of such sale and purchase.

Daniel Kohler, administrator of Peter Hehn, authorized to sell certain real estate.

Proviso.

SECTION 2. That the said Daniel Kohler, administrator as aforesaid, be and he is hereby authorized to borrow from time to time, as he may think it advisable and necessary, any sum or sums of money, for the use of said estate, and the liquidation of the claims against the estate, the collateral inheritance tax, the legacies bequeathed by the testator and charged to Matilda, now due or becoming due, not exceeding at any time the amount of such claims, debts, legacies, taxes and other liens

Borrow money.

against said estate, due at the time of such loan, by one hundred dollars, and not exceeding in the aggregate the sum of five thousand dollars; and that he be authorized and empowered to mortgage any of the real estate devised to the said Matilda, of the said estate, in security for the payment of the moneys so borrowed, at such time or times as may be agreed upon, at a rate of interest not exceeding six per cent. per annum, and to pay the interest on such moneys borrowed out of the yearly income of said estate, until it shall be, by the decision of judicial powers, ascertained to whom the estate has or shall have passed over in fee simple, and who is or are at such time entitled to all the income of said estate, then such devisee or devisees shall be held, though without interest prior to such passing over, for the said debts, claims, legacies, collateral inheritance taxes resting on the said estate, and thus paid as above, or for the mortgage or mortgages given in lieu thereof, as the case may be.

Further powers. SECTION 3. That the said Daniel Kohler, administrator as aforesaid, is and be hereby further authorized, agreeably to the will aforesaid, now to put and keep the said lands in good order, and to make the necessary repairs and improvements to the buildings, et cetera, and to make and put the fences in a good condition, et cetera, and to borrow from time to time, as he may think it advisable and necessary, any sum or sums of money for the said purpose exclusively, not exceeding in the aggregate the sum of nine hundred dollars; and that he be authorized and empowered to mortgage any of the real estate of the said deceased, in security for the payment of the moneys so borrowed, at such time or times as may be agreed upon, not exceeding ten years, at a rate of interest not exceeding six per cent. per annum, and to reserve, yearly, a customary and proportional rate as usual among farmers, for the purpose of keeping improvements in repair, of the rents, and all the increase of rents more than now received per year, occasioned by a more proper and judicious management of the estate and farm than heretofore, and the repairs and improvements thus made as above, for the exclusive purpose of paying such money or moneys borrowed for this purpose as above, with interest, and to keep said estate in a good condition until said money or moneys thus borrowed is or shall be all paid.

Accounts.

SECTION 4. That for all money or moneys received and paid by the said Daniel Kohler, administrator de bonis non et cum testamento annexo, as aforesaid, by the provisions and authority of this act, shall be accounted for by him in his account or accounts in the same manner as though he had received and paid the same under the provisions of the said will and testament of the said deceased, and by authority of the same; and it shall be lawful for any person or persons interested in said estate as in other cases, to petition the orphans' court of Berks county, praying that the said Daniel Kohler should or might give additional security, et cetera, relative to the proper appropriation of such money or moneys borrowed under the provisions of this act; and the said orphans' court may decree affirmatively or negatively upon such said petition, as in other cases of similar nature: *Provided*, That before any proceedings shall be had under the provisions of this act, the same shall have been authorized and approved of by said court, and that the said Daniel Kohler shall have given bond with sufficient security, to be approved of by the said court, conditioned for the faithful application of the proceeds of the sale aforesaid, and for the true performance of all and singular his duties as prescribed in this act.

Catholic and Lutheran cemeteries in the city

SECTION 5. That no part of the land now held by the Catholic and Lutheran congregations of the city of Reading for cemetery purposes, shall be converted to any other use, either by the congregations afore-

said or by their grantees; and all the land thus purchased and held by of Reading, ex-
the said congregations or their grantees, for burial purposes, shall be empt from taxa-
free from all taxes except for state purposes, and from seizure, levy and tion, except.
sale, under or by virtue of any execution, or other legal process against
the said congregations or their grantees: *Provided*, That this exemption
from execution shall not be construed to extend to more than four lots
held by one individual.

SECTION 6. That Richard Gardiner, Daniel Harrington, Joseph Ran-
dall, Joseph Dietz, Samuel Hemple, John Keyser, Samuel Hemple, Sale of certain
junior, Joseph H. Siddall, Daniel G. Hopper, John H. Campbell, Wil- real estate au-
liam M'Ferran, Jacob A. Tryon, William Roberts, Joseph Cbbb, Adam thorized to be
Engard, George H. Ball, Maskell M. Carll, James Waters, Joseph made to the Cen-
Margerum and Jacob Canter, their heirs, executors and assigns, be and tral Presbyterian
the same are hereby authorized and empowered to sell and convey in church in the
fee simple, without any restriction as to the purposes for which the city of Philadel-
same shall be used, to the Central Presbyterian church in the city of phia.
Philadelphia, certain lots of ground situate on Bush Hill, in the county
of Philadelphia, which Maskell M. Carll, Jacob A. Tryon and Joseph
Randall, trustees for the members composing the First New Jerusalem
church in the city of Philadelphia, by sundry deeds granted and con-
veyed to the said above named persons for places of interment only, as
is recited in and which lots are more particularly described in a certain
plan of said lots, endorsed on the back of a deed from the said trustees
to the Central Presbyterian church in the city of Philadelphia, dated
the first day of April, Anno Domini, one thousand eight hundred and
thirty-six, and recorded in the office for recording deeds for the city and
county of Philadelphia, in deed book S H F, number one, page one
hundred and twenty-eight.

SECTION 7. That the Central Presbyterian church in the city of Phila-
delphia, be and the same is hereby authorized and empowered to sell
and convey in fee simple, without any restriction as to the purposes for
which the same shall be used, a certain lot of ground situate on Bush
Hill, in the county of Philadelphia, which Maskell M. Carll, Jacob
A. Tryon and Joseph Randall, trustees for the members composing the
First New Jerusalem church in the city of Philadelphia, conveyed to
the said the Central Presbyterian church in the city of Philadelphia,
by deed dated the first day of April, Anno Domini, one thousand eight
hundred and thirty-six, and recorded as is recited in the immediately
preceding section of this act.

Said church au-
thorized to sell a
certain lot of
ground.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The nineteenth day of April, one thousand eight hun-
dred and fifty.

WM. F. JOHNSTON.