

poor house;" and if it shall appear upon casting up the votes of the different districts at the court house on the same day that other returns are made out, that a majority of those who voted are for a poor house, then the foregoing act to take effect; but if a majority of votes are found to be against a poor house, the foregoing act to be and the same is hereby null and void.

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

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 347.

A N A C T

Relating to the bail of executrixes; to partition in the orphans' court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and pedlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for recording the accounts of executors, administrators, guardians and auditors' reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth.

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 provisions of the twenty-fifth section of the act of assembly of March twenty-nine, one thousand eight hundred and thirty two, entitled "An Act relating to orphans' courts," which requires executrixes in certain cases to give security, shall be construed to embrace all cases therein specified, whether there are minors concerned in the estate or not, and whether she is sole executrix or otherwise.

Construing act relating to orphans' court, relative to bail of executrixes.

SECTION 2. That in all cases of the partition or valuation of real estate in any of orphans' courts of this commonwealth, it shall be lawful for the said courts, upon the application of the widow or any of the heirs of the decedent, instead of the separate rules heretofore issued in such cases, to grant a rule upon the parties interested to appear, and accept or refuse the said real estate at the valuation, or show cause why the said real estate, or any part thereof, should not be sold, in case they or any of them should neglect or refuse to take and accept the same as aforesaid.

Rule upon parties to appear and accept real estate, in cases of partition in orphans' court.

SECTION 3. All orders of sale of real estate as aforesaid which have been heretofore made by the said courts, upon the application of the

Confirming sale of real estate by orphans' court, when order of sale was made at same time to which rule to accept was returnable.

Proviso.

Construing act relating to orphans' court, and confirming titles acquired under proceedings in partition in case of lapsed or forfeited devise.

Proviso.

Extending 3d sect. of act of 13th April, 1840.

Colored convicts transferable to house of refuge.

Statute limitations not to extend to insolvent or suspended corporations.

widows or heirs of such decedents, and upon the neglect or refusal of the said heirs, upon due notice, to accept the same, are hereby made valid and effectual in law, notwithstanding the said orders of sale may have been made at the same term to which the rule upon the said parties to appear, and accept or refuse the said real estate, was made returnable: *Provided*, That nothing in this section contained shall affect any suit at law now actually commenced and pending, in which the title so granted and obtained under such proceedings in partition shall be involved, and in controversy between the parties originally interested in such partition, or any persons claiming title under them.

SECTION 4. That the true intent and meaning of the third section of the act passed the thirteenth of April, one thousand eight hundred and forty, entitled "A further supplement to an act, entitled 'An Act relating to orphans' courts,' passed the twenty-ninth day of March, one thousand eight hundred and thirty-two, and the supplement thereto, passed the fourteenth of April, one thousand eight hundred and thirty-five, and for other purposes," is hereby declared to be that the title of persons to real property of decedents within this commonwealth, heretofore acquired under proceedings in partition in the orphans' courts, if such proceedings were in other respects regular, shall not be impaired, or in anywise defeated, or made void by or upon any other proceeding in any court of this commonwealth, by reason of such property, or any part thereof, having been devised by any such decedent to children or heirs generally, or to any one or more of them, or of other persons, if such devise to one or more had become lapsed, or had become forfeited for non-performance of any condition, or the devisee or devisees for any reason had refused to take or accept the same; but all such titles so acquired shall be considered and taken to be as valid and infeasible as in cases of intestacy, unless the same have been invalidated by reversal of the decree or decrees awarding the same upon appeal duly taken and prosecuted: *Provided*, That in all such cases where the same has not already been done, and where the moneys have not yet been appropriated or paid, it shall be competent for the proper orphans' court, upon application made, to decree the payment of the amount of the valuation, or of the proceeds of sale, to such person or persons as are, according to the last will and testament of the decedent, entitled thereto in law or equity.

SECTION 5. That the provisions of the said third section of the act of April the thirteenth, one thousand eight hundred and forty, according to the meaning thereof, as declared by the first section of this act, shall extend to all cases which have heretofore arisen, and which may hereafter arise within this commonwealth.

SECTION 6. That it shall and may be lawful for the inspectors of the prisons of the county of Philadelphia, under the direction of the court of quarter sessions, to transfer and deliver to the managers of the Colored house of refuge of the city and county of Philadelphia, with their assent, any colored convicts, under the age of twenty-one, committed to said prison; and when so transferred, they shall be dealt with as other minors committed and delivered to the said managers.

SECTION 7. That the provisions of the act passed the 27th March, 1713, entitled "An Act for the limitation of actions," shall not hereafter extend to any suit against any corporation or body politic which may have suspended business, or made any transfer or assignment in trust for creditors, or who may have at the time and after the accruing of the cause of action, in any manner ceased from or suspended the ordinary business for which said corporation was created.

SECTION 8. That in all cases now pending, or hereafter to be brought in any court of record in this commonwealth, to enforce the payment of ground rent due and owing upon lands or tenements, held by virtue of any lease for life, or a term of years or in fee, the lessor, his heirs and assigns, shall have a full and complete remedy therefor by action of covenant against the lessee or lessees, his, her or their heirs, executors, administrators or assigns, whether the said premises out of which the rent issues be held by deed poll or otherwise.

Ground rent recoverable by actions of covenant.

SECTION 9. In all actions of partition that may hereafter be commenced in any court of this commonwealth, all the parties in interest shall be named in the writ, declaration and notices when known; but if it shall appear on oath or affirmation, that the names or residence of any of the parties are unknown to the plaintiff or plaintiffs in such action, the court shall have power to direct notice to be given to such parties by publication in one or more newspapers, describing the parties as far as practicable, as shall appear to the court reasonable and proper, and the proceedings shall be as effectual to all intents and purposes, as if all the parties had been named in the proceedings.

Actions of partition, parties when known shall be named.

How notice to unknown parties shall be given.

SECTION 10. In all cases of partition, either in the courts of common pleas or in the orphans' courts, the courts having jurisdiction thereof are empowered, wherever it shall appear advisable and proper, to cause the share or shares of the party or parties appearing in court to be allotted and assigned to them, and to permit the residue of the premises to remain for the person or persons entitled thereto, and subject to a future partition among them, if more than one person be so entitled.

Share of parties not appearing may remain subject to future partition.

SECTION 11. That whenever by the provisions of the act of assembly of this commonwealth, entitled "A supplement to an act, entitled 'An Act relative to the LeRaysville phalanx,' passed March, Anno Domini, one thousand eight hundred and forty-seven; and relative to obligors and obligees; to secure the rights of married women; in relation to defalcations; and to extend the boundaries of the borough of Ligonier, et cetera," passed the 11th day of April, A. D., 1848, the property of a married woman is secured to her, and she shall have no trustee of the same, it shall be lawful for any such married woman to apply to the court of common pleas of the county where she was domiciled at the time of her marriage, for the appointment of a trustee of the same, and such court shall thereupon appoint a trustee of the same, not being the husband of the said petitioner; and it shall further be lawful for any such married woman to declare a trust in regard to such property, or any part thereof, in favor of any of her children.

Married women may apply for appointment of trustee, (not her husband,) or may declare a trust.

SECTION 12. That so much of the first section of the act passed on the twentieth day of March, one thousand eight hundred and forty-five, entitled "An Act concerning bail and attachments," as pertains to appeals from the awards of arbitrators, shall from henceforth be construed to extend to all such appeals, whether made by persons natural or artificial.

Appeals from award of arbitrators of corporations.

SECTION 13. That the provisions of the act, entitled "An Act supplementary to the act relating to hawkers and pedlers, and regulating auctions in the county of Schuylkill," approved the 17th day of April, 1846, and the same are hereby extended to the counties of Butler and Union.

Hawkers and pedlers in Butler and Union counties.

SECTION 14. That the fifth section of the act, entitled "An Act to provide for the reduction of the public debt," passed the 22d day of April, 1846, shall be so construed as to require the payment, by the defendant against whom a recovery of the forfeit therein named has been had, of all costs which have been incurred by the informer, in

Recovery of cost by informer, in prosecuting actions for forfeiture, under certain acts, &c.

Construing 59th
sect. of act of
11th July, 1842,
not to extend to
lands lying in
different town-
ships.

prosecuting the action for such forfeiture, as in actions of debt of like amount.

SECTION 15. That the fifty-ninth section of the act of 11 July, 1842, entitled "An Act regulating election districts, and for other purposes," shall not be construed to extend to lands lying in different townships, the mansion house of which is in an incorporated borough or city.

Fees of county
treasurer of Ly-
coming and Clin-
ton counties.

SECTION 16. That from and after the passage of this act, the fees to be received by the treasurers of Lycoming and Clinton counties, on the sale of lands for taxes, shall be the same that are now allowed by the twenty-fourth section of the act of the twenty-eighth of March, one thousand eight hundred and fourteen, entitled "An Act establishing a fee bill."

Treasurer of
Schuylkill coun-
ty to receive and
disburse all mon-
eys belonging to
the house for the
employment of
the poor.

SECTION 17. That from and after the first day of January next, the treasurer of the county of Schuylkill shall, in addition to his other duties, receive all moneys belonging to the house for the employment and support of the poor in the county of Schuylkill, and shall disburse the same on orders drawn on him by a board of the directors of the poor of said house employment; and that so much of the third section of the act, entitled "An Act to provide for the erection of a house for the employment and support of the poor in the county of Schuylkill," approved the 4th day of April, A. D. 1831, as authorizes the directors of said house of employment to appoint a treasurer, be and the same is hereby repealed.

Accounts of exe-
cutors and ad-
ministrators, and
reports of audi-
tors to be record-
ed.

SECTION 18. That from and after the passage of this act, the several clerks of the orphans' courts of the counties of this commonwealth are hereby authorized and required to place upon record, in a fair, legible hand, in a book or books to be provided for that purpose, all accounts of executors, administrators and guardians, as well as all reports of auditors appointed by the orphans' courts of the several counties of this commonwealth, omitting the testimony and documents accompanying the same; the fees for this service to be one half of the amount now allowed by law for the recording of deeds.

Fees.

Accounts of as-
signees, trustees,
sequestrators and
committees, and
auditors' reports,
to be recorded by
prothonotaries.

SECTION 19. It shall also hereafter be the duty of the prothonotaries of the various courts of common pleas and district courts of this commonwealth, to record, in a book or books to be procured for that purpose, all accounts of assignees, trustees, sequestrators and committees, and all reports of auditors thereon, omitting the evidence upon which such reports are based; and also all reports of distributions or appropriations made by the various sheriffs of the commonwealth, and filed in their offices respectively; for which services the said prothonotaries shall be allowed one-half the fees now allowed by law for similar services.

Fees.

SECTION 20. That it shall be the duty of the secretary of the commonwealth to forward copies of the two preceding sections to the clerks of the orphans' courts of the several counties, as soon as practicable.

No right of way
by user through
uninclosed wood-
land.

SECTION 21. *And be it further enacted, &c.,* That no right of way shall be hereafter acquired by user, where such way passes through uninclosed woodland; but on clearing such woodland, the owner or owners thereof shall be at liberty to enclose the same, as if no such way had been used through the same before such clearing or enclosure: *Provided,* That the provisions of this section shall in no way affect any suit or suits now pending in any of the courts of this commonwealth, in relation to any right of way or any other matter embraced in this section.

Debts owing by
solvent debtors
not taxable for

SECTION 22. That hereafter no law of this commonwealth, rendering moneys owing by solvent debtors liable to be assessed and taxed for any purpose, shall be construed and held to make the same liable to be

assessed and taxed for borough and township purposes; but the same shall be exempt from any charge, tax or assessment for any such purposes: *Provided*, That nothing in this act contained shall be held to apply to any case in which such taxes have been heretofore actually assessed and paid.

SECTION 23. *Be it enacted, &c.,* That the warrants issued by the officers of the land office of Pennsylvania, in favor of persons having credits in the books of the receiver general, between the 22d September, 1794, and the 1st January, 1795, on which surveys have been made, returned and accepted in the land office, shall be as good and valid to pass the title of the commonwealth, and vest the same in the warrantee, his, her or their heirs and assigns, or other legal representatives, as the said titles would have been vested by said warrants and surveys if the act of the 22d September, 1794, had never been passed: *Provided*, That this section shall not affect, in any way, the right of any person claiming any part of said lands by actual settlement, or by being located according to law under any other warrant.

Land warrants issued between Sept. 22, 1794, and Jan. 1, 1795, made good and valid.

SECTION 24. That in all cases in which any coal or iron ore mines or minerals have been or shall be held by two or more persons, as tenants in common, and coal, iron ore or other mineral has been or shall be taken from the same, by any one or more of said tenants respectively, it shall be lawful for any one of said tenants in common, to apply by bill or petition in equity to the court of common pleas of the county in which the lands lie, praying that an account may be decreed and taken of all coal, iron ore or other mineral taken by said tenants respectively; and the said court shall thereupon proceed upon such bill or petition, agreeably to the course of a court of chancery, and shall have full power and authority to make all orders, appointments and decrees, interlocutory and final, that may appertain to justice and equity in the premises, and may cause to be ascertained the quantity and value of the coal, iron ore or other mineral so taken respectively by the respective parties, and the sum that may be justly and equitably due by and from and to them respectively therefor, according to the respective proportions and interests to which they may be respectively entitled in the lands: *Provided*, That all the tenants in common shall be made parties to such bill or petition, and that if any of them reside out of the county in which such lands lie, or out of this commonwealth, the court may make such order for serving process or notice upon them by publication or otherwise, as the said court shall deem fit and proper; and may take the bill or petition pro confesso, and proceed to final decree, or proceed by attachment and sequestration against such of them as shall fail to appear thereupon, or shall neglect or refuse to stand to obey and abide by the orders and decrees of said court.

Accounts of coal or iron mines held in common, may be decreed upon petition in equity.

Power of court to proceed to final judgment.

Provido..
All the tenants to be made parties.
Where lands lie out of county, how notice to be given.

SECTION 25. *And be it further enacted,* That any party may appeal to the supreme court from any final decree made by any court of common pleas under this act: *Provided*, That such appeal be taken within one year after the rendering of such final decree, and that the party appealing, before taking his appeal, shall make and file an affidavit that the same is not intended for delay, and shall give such security to prosecute his appeal with effect as shall be required by the said court of common pleas, or the supreme court.

Appeal to supreme court allowed on first decree, if taken within one year.
Make affidavit.
Give security.

SECTION 26. That from and immediately after the passing of this act, all the powers and authorities conferred upon the supreme court and the several courts of common pleas, by the thirteenth section of the act relative to the jurisdiction and powers of the courts, passed the sixteenth day of June, one thousand eight hundred and thirty-six, relating to the "perpetuation of testimony," shall be and the same is hereby

Perpetuation of testimony in case of lost or destroyed deeds.

Effect of testimony.

extended and made applicable to the perpetuation of testimony in cases of lost or destroyed records of any of the courts of record in this commonwealth, whether such records were lost or destroyed before or after the passing of this act; and the same proceedings, orders, decrees and judgments shall be had therein, mutatis mutandis, as in cases now authorized by law, and with the like effect; and when proved, such record shall have the same legal operation as the original record would have had: *Provided*, That in all cases the application to perpetuate testimony shall be made in the same court in which the record may be lost or destroyed.

Prothonotaries to keep a partition docket.

SECTION 27. That from and after the passage of this act, it shall be the duty of the prothonotaries of the supreme court, and of the several district courts and courts of common pleas having jurisdiction in cases of partition, and they are hereby required to enter at length in a book to be procured for that purpose, to be called "the partition docket," all the proceedings in partition in every case in their respective courts from the commencement to the final judgment and decree thereon, and which shall be and the same is hereby made the record of said court; for which service such prothonotary shall be entitled to receive the same fees as the recorders of deeds receive for recording, to be taxed and paid as part of the costs of such proceedings.

Bail for stay of execution, not entitled to stay on judgment obtained against him as bail.

SECTION 28. That from and after the passage of this act, no defendant shall be entitled to stay of execution upon a judgment obtained against him as bail for stay of execution on any former judgment.

Oath to obtain writ of error may be made before prothonotary.

SECTION 29. That the oath or affirmation required to be made before obtaining a writ of error from the supreme court, or entering an appeal to said court, may be made; and the recognizances of bail in all such cases may be entered into before the prothonotary of the court to which such writ of error is directed, or the prothonotary or clerk of the court from whose decision the appeal is taken, with like power and effect as if the said oath or affirmation were made before a judge of such courts, or a justice of the peace, or the said recognizance taken before any such judge.

The word orphan in the 4th section of act of 1815, relative to sale of unseated lands, construed to mean minor.

SECTION 30. That the word orphan or orphans, in the fourth section of the act of 13th March, eighteen hundred and fifteen, relative to sale of unseated lands for taxes, shall hereafter be taken, and construed to mean minor or minors; and any minor or minors who may have been heretofore deprived of the right of redeeming lands sold under the provisions of said act, by reason of the word orphan or orphans being used in said act instead of the word minor or minors, shall have the right to bring their suit or action for such lands, or to redeem the same at any time within two years after the passage of this act: *Provided*, That this provision shall not affect any adjudicated case.

One of several joint tenants, &c., may pay proportionate part of taxes on unseated lands. County treasurer may sell residue.

SECTION 31. That any joint tenant in common or coparcener of unseated lands in this commonwealth, shall have the right to pay his, her or their proportionate part of the amount of taxes due thereon at any time before the sale thereof by the county treasurer; and it shall be the duty of said treasurer to receive and receipt for the same; and he may sell the residue of the shares or interest in said lands on which the taxes remain unpaid, any law, usage, or custom heretofore to the contrary notwithstanding.

One of several joint tenants, &c., may redeem proportionate part when and how.

SECTION 32. That when any unseated lands shall have been purchased by the county commissioners for the use of the county, any joint tenant, tenant in common, or coparcener of said land, shall have the right during the time now allowed to a sole owner to redeem his or her interest in a proportionate part of the same, upon paying the treasurer of the county his or her proportionate part of the taxes and co st

due thereon at the time of sale, and interest therefor for the same time ; and also, his or her proportionate part of the taxes which shall have been assessed thereon from year to year after the sale, and interest of each assessment, to be counted from the time it ought to have been paid ; and on the production of the treasurer's receipt, the commissioners shall, by endorsement under their hands and seals on the back of the treasurer's deed to them, convey to the person who has thus redeemed his or her interest in, or proportionate part of the lands, such share or interest as he or she shall have redeemed as aforesaid ; and the county commissioners may sell the residue of the shares or interest in said land not redeemed within five years, at public sale, and make a deed therefor to the purchaser, who shall hold and enjoy the same as tenant in common with the person who has redeemed his or her interest or share therein.

County commissioners to convey to the person who thus redeems said proportionate share.

SECTION 33. That the first and second sections of the act, entitled "An Act supplementary to acts relating to recording of deeds," approved March 9th, 1847, be and are hereby extended to and shall embrace all receipts given by the proper officers of any county of this commonwealth, for moneys paid for the redemption of unseated lands sold for taxes.

1st and 2d sections of act of 9th March, 1849, extended to receipts for the redemption of unseated lands.

SECTION 34. If any person shall at any time set fire to or attempt to set fire to any of the buildings or other property described in the tenth section of an act passed 16 April, 1849, entitled "An Act relating to lunatics and habitual drunkards ; for the more effectual punishment of the crime of arson ; and for other purposes," with intent to burn or destroy the same, or shall advise, assist or procure any person so to do, any person so offending shall be deemed guilty of a misdemeanor, and on conviction, be sentenced to hard labor in the penitentiary not more than five years ; and that the eleventh section of the said act is hereby repealed.

Misdemeanor for setting fire to certain property.

SECTION 35. That the limitation provided in the last paragraph of the first section of the act, entitled "An Act for limitations of actions," passed the 27th March, 1713, to which this section is supplementary, in relation to words spoken, shall be held to extend to all cases of slander or libel, whether spoken, written or printed.

Limitation of actions of slander and libel.

SECTION 36. That the provisions of the seventh section of the act of sixteenth April, one thousand eight hundred and forty-nine, entitled "A supplement to the act relating to lunatics and habitual drunkards ; to punish aldermen and justices of the peace for misdemeanors ; relating to arbitrations in the district court in the city and county of Philadelphia ; relative to deeds of assignment ; relative to judgment liens ; relating to limitation of actions ; and relating to liens and terre-tenants, and for the more effectual punishment of the crime of arson," be and the same are hereby extended to prosecutions for adultery, except where the defendant may have absconded and remained absent from the state, in which case such absence shall be deducted from the period of limitation.

Limitation of actions for adultery.

SECTION 37. That in all cases of the sale, conveyance, mortgage or transfer of any lands, tenements or hereditaments of any married woman, or of any interest of any married woman in any lands, tenements or hereditaments in this commonwealth, and in all cases of any power or powers of attorney to make and execute such sale, conveyance, mortgage or transfer made, or that may be made and executed by such married woman in any other of the United States, the acknowledgment or written consent of such married women, as required by the act relating to the rights of married women, or any other law of this commonwealth, may be taken or acknowledged by and before any judge of any court of record in such state ; and such acknowledgment so

Acknowledgment of deeds by married women.

made, or to be made, shall be as valid and effectual as if made by said married woman before a judge of a court of common pleas of this commonwealth.

Mechanics' lien, authorizing apportionment for work done.

SECTION 38. That the several laws of this commonwealth authorizing an apportionment of the amount due for materials furnished to two or more buildings owned by the same person, among the said buildings, shall extend to and shall authorize in similar cases an apportionment for work done, and for work done and materials furnished, where the same are furnished under one contract, as fully and in the same manner as is now authorized and allowed in the case of materials furnished.

Suits for the recovery of the property of married women, shall be for exclusive benefit of said married women.

SECTION 39. Any suit or suits at law hereafter to be commenced in any of the courts of this commonwealth, touching or concerning, or for the recovery of any property, real, personal or mixed, belonging or secured to any married woman by virtue of the provisions of the act relating to the rights of married women, passed the eleventh day of April, one thousand eight hundred and forty-eight, may be brought in the names of such married woman and her husband to the use of said married woman; and a recovery in such suit or suits shall be for the exclusive benefit of such married woman.

Courts of quarter sessions to have jurisdiction of cases under act for suppressing gambling.

SECTION 40. That from and after the passage of this act, the appeal contemplated by the sixth section of the act of the sixteenth day of February, one thousand eight hundred and forty-seven, entitled "An Act for the suppressing of gambling," may be taken to the court of quarter sessions of the proper county, instead of to the court of common pleas as therein directed; and that all proceeding had under the provisions of said act, where an appeal has been taken, shall be as effectual and valid for all the intents and purposes of said act, as if the appeal had been therein first directed to be taken to the court of quarter sessions of the proper county.

Re-enacting 15th and 16th sections of act of 16th April, 1840, incorporating Methodist Episcopal congregation of Reading, &c., relative to acknowledgment of deeds, &c.

SECTION 41. That the provisions contained in the fifteenth and sixteenth sections of the act of sixteenth April, one thousand eight hundred and forty, entitled, "An Act incorporating the Ebenezer Methodist Episcopal congregation of the borough of Reading, and for other purposes," be and the same are hereby enacted as fully and effectually as if the same were herein set forth in extenso.

Acknowledgment of deeds, &c., in other states.

SECTION 42. That any deed, conveyance, or other instrument of writing, of and concerning any lands, tenements, hereditaments, or any estate or interest therein, lying and being within this commonwealth, heretofore acknowledged or proved, or hereafter to be acknowledged or proved, before any judge of any court of record in any state or territory within these United States, and otherwise, according to the forms now provided by the laws of this state, relative to such acknowledgments or probates, and duly certified under the hand of the said judges, and the seal of the said court, shall be as valid, to all intents and purposes, and be in like manner entitled to be recorded, as if the same had been duly acknowledged or proved in conformity with the present law of this commonwealth.

Offices of associate judge and justice of the peace incompatible.

SECTION 43. That from and after the passage of this act, the office of associate judge and justice of the peace shall be incompatible with each other.

Orphans' court may appoint guardians for minors residing out of this state in certain cases.

SECTION 44. The orphans' court of each county in this commonwealth shall have power to appoint guardians of the estates of minors residing out of the commonwealth, in all cases where such minors are possessed of estates lying within the jurisdiction of said court, upon the petition of the minors, or any of their relatives or friends, or any person

interested in such estates, without requiring the said minors to appear in court to make choice of such guardians.

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

V. BEST,
Speaker of the Senate.

We do certify that the bill, entitled "An Act relating to the bail of executrixes; to partition in the orphans' court and common pleas; to colored convicts in Philadelphia; to the limitation of actions against corporations; to actions enforcing the payment of ground rent; to trustees of married women; to appeals from awards of arbitrators by corporations; to hawkers and pedlers in the counties of Butler and Union; to the payment of costs in actions by informers in certain cases; to taxing lands situate in different townships; and in relation to fees of county treasurers of Lycoming, Clinton and Schuylkill; to provide for recording the accounts of executors, administrators, guardians and auditors' reports; and to amend and alter existing laws relative to the administration of justice in this commonwealth," was presented to the governor on the twelfth day of April, one thousand eight hundred and fifty, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WM. JACK,
Clerk of the House of Representatives.

SAML. W. PEARSON,
Clerk of the Senate.

HARRISBURG, April 25, 1850.

No. 348.

AN ACT

To incorporate the Wyoming County mutual insurance company; relating to Liberty street, in the city of Philadelphia; giving jurisdiction to the court of common pleas in Tioga county, in a certain divorce case; and relating to paving in front of the prison in the county of Philadelphia.

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 Nicholas Overfield, Bradley Wakeman, Paul B. Jennings, Asa S. Dana, Sherman D. Phelps, Asa Keeler, Henry Roberts, S. H. Taylor, Milton Dana, Jabez Jenkins, John Fassett, R. R. Little, Andrew Gordonier, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name,