

to appoint some other competent attorney of the court to prepare a bill of indictment against the district attorney, to be laid before the grand jury, and to conduct the same to final trial; and in case the said district attorney be convicted of any infamous crime, and final judgment rendered, it shall be part of the sentence of the court that he be removed from office; and the court shall then proceed to appoint another competent person to fill such vacancy, as provided in a former section of this act; and the person appointed to conduct such prosecution shall be paid a reasonable compensation for his services, out of the treasury of the county; the amount to be fixed by the court.

SECTION 5. If any district attorney shall demand any greater fee than that allowed in the fee bill, for any services he shall perform in relation to any case, or shall receive any fee, reward or present for the examination of any case in relation to a nolle prosequi, he shall be liable to an indictment therefor, and on conviction, shall be deemed guilty of a misdemeanor in office, and be punished by a fine, at the discretion of the court, as well as removal from said office. Penalty for demanding excessive fees.

SECTION 6. No district attorney shall be eligible to a seat in the legislature, or to any other office under the laws and constitution of the state during his continuance in office. Ineligible to a seat in the legislature.

SECTION 7. If in case of sickness, or from any other cause, the district attorney shall be unable to attend to the duties and business of the term of a court, he shall have authority to appoint some competent attorney of the county, with the approbation of the court, to act as his deputy for one term, but for no longer period. Provisions in case of the sickness, &c., of district attorney.

SECTION 8. All laws or parts of laws inconsistent with the provisions of this act, now in force in the state, be and the same are hereby repealed. Repeal.

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

V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 386.

A N A C T

Authorizing Catharine Shultz to sell and convey certain real estate; and for the establishment of Rittenhouse college, in the county of Bedford.

WHEREAS, Philip Shultz, late of the borough of Huntingdon, in the county of Huntingdon, being seized of certain real estate situate in the said county, made his last will and testament bearing date the second day of July, Anno Domini, one thousand eight hundred forty-nine, which will was after his death duly proved, and remains in the regis- Preamble.

ter's office of said county, wherein he devised and bequeathed to his wife Catharine Shultz, during her natural life, the whole of his real and personal estate, and after her death to all his collateral heirs :

And whereas, A part of the real estate devised as aforesaid, is not sufficiently productive, and is in such a state of dilapidation as that it would be to the interest of all persons interested therein that the same should be sold ; therefore,

Executrix of
Peter Shultz,
deceased, author-
ized to sell cer-
tain real estate.

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 Catharine Shultz, executrix of the last will of Peter Shultz, late of the borough of Huntingdon, in the county of Huntingdon, deceased, be and is hereby authorized to sell at public sale, and by deed or deeds, convey part of the real estate of the said Peter Shultz, deceased, to wit : lot number fifty-two in the plan of the borough of Huntingdon, adjoining a lot of Thomas Fisher on the west, and a lot of Thomas Wallace on the east, fronting fifty feet on Allegheny street, in said borough, having a barn thereon ; also an out lot situate in Henderson township, in said county of Huntingdon, adjoining a lot of William Orbison on the north, Standing Stone creek on the east, and a lot of the heirs of William Steel, deceased, on the south, containing twelve acres more or less ; and also the undivided half part of a small parcel of unimproved land in Henderson township, in said county, adjoining lands of Fisher and M'Murtrie, Daniel Africa, esquire, and others ; she the said Catharine Shultz being authorized by deed or deeds to convey to and vest in the purchaser or purchasers, and their heirs and assigns, the interest and estate which the said Philip Shultz had and held in the said real estate at the time of his death : *Provided,* That before the said Catharine Shultz shall proceed to execute the power and authority given and granted hereby, she shall file a bond in the orphans' court of said county of Huntingdon, in such an amount, and with such security as shall be approved by said court, conditioned for the faithful payment by her representatives at her death, of the purchase money (exclusive of interest,) arising from any such sale or sales as she may make to the persons to whom the real estate would belong at her death, if not sold, and in the same proportions as the real estate which it represents would be vested under the said will of Philip Shultz, deceased.

Further provi-
sions.

SECTION 2. That before a sale of any of the real estate mentioned in the first section of this act shall be made, it shall be made to appear to the orphans' court of the county of Huntingdon, that a sale of the same would be to the mutual advantage of all parties interested in said real estate ; and all sales made by virtue of the provisions of this act, shall be made under the control and direction of the orphans' court of said county, and shall be confirmed or set aside by said court, as may in its judgment best secure the rights and promote the interests of all parties concerned.

College estab-
lished in or near
the borough of
Bedford.

SECTION 3. That there be and hereby is erected and established at or near the borough of Bedford, in the county of Bedford, a college for the education of youth in the various branches of science and literature, the useful arts, agriculture, and the learned and foreign languages, by the name, style and title of " Rittenhouse college."

Commissioners.

SECTION 4. That James M. Russell, David Patterson, William H. Watson, William Lyon, Samuel Brown, Nicholas Lyons, Solomon Filler, Job Mann, William T. Daugherty, Daniel Washabaugh, William P. Schill, Samuel M. Barclay and Espy L. Anderson, or any seven of them, are hereby appointed commissioners to open books and receive subscriptions for the purpose of procuring means to purchase

Duties.

real estate and erect suitable college buildings, and adopt all other measures that may be necessary to carry into full effect the object of this act.

SECTION 5. That upon the subscription of a sum of money sufficient in the opinion of said commissioners to authorize the commencement of the construction of said college buildings, a meeting of the subscribers shall be called by said commissioners, by notice published in one or more newspapers in the borough of Bedford, for the purpose of electing trustees of said college, which said trustees when elected, and their successors, shall forever thereafter be one body politic and corporate in deed and in law, by the name, style and title of "Trustees of Rittenhouse college," entitled to all the rights, powers and privileges granted and conferred upon the trustees of Lafayette college, by the third and fourth articles of the first section of the act for the establishment of a college at Easton, in the county of Northampton, passed the ninth day of April, eighteen hundred and twenty-six.

SECTION 6. That the said trustees shall also have power to adopt a constitution and by-laws for the establishment of professorships, the conferring of degrees and granting of diplomas, and for the general government of said college: *Provided*, That the same shall not be inconsistent with the constitution and laws of the United States or of this commonwealth.

SECTION 7. That no person shall be employed or be concerned in the business or employment of hawking or peddling, unless licensed previously, any kind of teas or spices within the cities of Pittsburg or Allegheny, or neighboring boroughs; and if any person shall go from house to house within the limits of said cities or boroughs, to sell or expose to sale such articles, the person so offending shall forfeit and pay for every offence the sum of twenty dollars, to be sued for and recovered by action of debt before any alderman or justice of the peace, as debts of like amount are by law recoverable, by any person who may sue for the same, one-half to the informer and the other half to the city or borough in which the offence may have been committed.

SECTION 8. That from and after the passage of this act the rifle company of Washington Greens, in the county of Wyoming, shall be and it is hereby changed into an infantry corps, to be called the Wyoming Guards, and that all acts done under the former name of the Washington Greens, shall not be affected in any manner by this act, and that the said corps shall enjoy all the advantages in point of date or age of company officers as if this act had not been passed.

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

V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.