

Friday, February 12, 1802.

According to the order of the day, the senate proceeded to the further consideration of the bill, entitled "An Act declaring the holding of offices or appointments under this state, incompatible with the holding or exercising offices or appointments under the United States," together with the Governor's objections to the same.

After debate,

The question,—“Shall this bill pass?” being put, agreeably to the twenty-second section of the first article of the constitution, the yeas and nays were taken; and there appeared to be eighteen yeas and seven nays.

So that the said bill was passed by a constitutional majority, Whereupon,

Ordered, That the said bill be returned to the house of representatives, with information that the senate hath passed the same by a constitutional majority.

Extract from the Journal.

GEORGE BRYAN, C. S.

CHAPTER MMCCXXXIII.

AN ACT FOR THE RELIEF OF WILLIAM HILL OF THE STATE OF MASSACHUSETTS AND ESTHER HIS WIFE, AND TO CONFIRM IN BURTON WALLACE AND HIS HEIRS FOREVER, THE TITLE TO A CERTAIN MESSUAGE AND LOT OF GROUND THEREIN MENTIONED.

Whereas, William Hill now resident in the state of Massachusetts, and Esther his wife, have, by their petition, represented that at the time of the intermarriage of the said petitioners, the said Esther was under the last will of her late father the reverend Jacob Duche, deceased, seized in fee of a moiety of a certain messuage and lot of ground situated in Chestnut street, in the city of Philadelphia, and possessed of a moiety of certain personal estate, consisting of forty-six shares in the capital stock of the president, directors and company of the bank of Pennsylvania, one share in the capital stock of the president, directors and company of the bank

of North America, and a mortgage executed by John Bernard Gilpin to her said father, for the principal sum of four hundred and sixty-one pounds one shilling and four-pence, which said real and personal estate, by a certain indenture, tripartite, made the seventh day of August, seventeen hundred and ninety-eight, between the said Esther, of the first part, the reverend William White, doctor of divinity, and bishop of the protestant episcopal church of Pennsylvania, and Miers Fisher, of the city of Philadelphia, gentleman, of the second part, and the said William Hill, of the third part, were conveyed to the said William White and Miers Fisher, their heirs, executors and administrators, in trust; nevertheless, to permit the said petitioners, parties thereto, to receive the profits of the said estate, real and personal, during their marriage, and further to convey and assure the same to such person or persons, for such estates and interests, and in such shares and proportions as the said Esther, whether covert or sole, should by any writing in the nature of her last will and testament, order, direct and appoint, and for want of such appointment, to all and every one or more child or children of the said Esther, which should be living at the time of her death, in equal shares, if more than one, and for want of a child then living, to the said William Hill, his heirs, executors and administrators, to his own use for ever, if he be then living; and if he should be then dead, then to the right heirs and legal representatives of the said Esther; that the said petitioners, having since the execution of the said indenture, removed from the state of Pennsylvania, and holding merely a moiety of the said real and personal estate, the other moiety being the property of Sophia, the wife of John Henry, now in the state of Massachusetts, and only sister of the said Esther, who with her said husband, had determined to dispose of their interest in the same, have found the terms of the settlement, and the nature of the trust, raised and established by the said indenture, extremely burdensome and inconvenient, inasmuch as they are thereby prevented from making that beneficial application of their property, which the place of their residence and other circumstances render advisable, the said

indenture making no provision for any declaration of uses thereupon; but by the last will and testament of the said Esther; that the persons jointly interested with the said petitioners, in the messuage and lot of ground aforesaid, having determined to dispose of their share in the same, made it necessary to the said petitioners, to prevent a general sacrifice, to join in the sale, and they did accordingly, by deed of bargain and sale, bearing date the eighth day of August, in the year of our Lord eighteen hundred and one, for a valuable consideration, which has been fully paid, convey their moiety—in the said messuage and lot of ground, to Burton Wallace, of the city of Philadelphia, gentleman, and his heirs, in fee-simple; and the said petitioners have prayed, that an act may be passed to confirm the title of the said Burton Wallace, in the said moiety, of the said messuage and lot of ground, in him and his heirs for ever, in fee simple, and to direct and authorize the said William White and Miers Fisher, the trustees abovementioned, to convey and assign over to such person or persons, as the said Esther, by deed or any writing, in the nature of her last will and testament, shall order, direct and appoint, the moiety of the said personal estate, so conveyed, to the said trustees as above recited; and the said William White and Miers Fisher, the trustees abovementioned, have fully expressed their consent and approbation to the said prayer to the petitioners. Therefore:

Section I. (Section I, P. L.) 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 title to the said moiety of the said messuage and lot of ground, situate in Chestnut street, in the city of Philadelphia, be, and the same is hereby confirmed in the said Burton Wallace, of the city of Philadelphia, gentleman, and his heirs and assigns for ever, to and for his and their own use, as fully and amply as the said Esther was entitled to, and held and enjoyed the same before her marriage and the execution of the said indenture, under the last will and testament of the said reverend Jacob Duche, deceased, free, disencumbered and discharged from the said

trust; any contingency or other matter or thing, in the said indenture contained, notwithstanding.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said William White and Miers Fisher, the trustees above mentioned, be and they are hereby authorized and directed to assign over, transfer and convey, to such person or persons, and in such shares and proportions, as the said Esther, by any deed or writing, in the nature of her last will and testament, shall order, direct and appoint, all the said personal estate so vested in them as aforesaid, by the said indenture, herein before recited and referred to; and all the proceeds of the same, if any part thereof should have been heretofore sold or invested in other funds or securities, free, disencumbered and discharged from the said trust; and contingency or other matter or thing, in the said indenture contained, notwithstanding.

Approved February 3, 1802. Recorded in L. B. No. 8, p. 36.

CHAPTER MMCCXXXIV.

AN ACT TO FACILITATE THE SETTLEMENT OF THE ACCOUNTS OF THE FORMER AND PRESENT COUNTY TREASURERS FOR ARREARS OF STATE TAXES.

Section I. (Section I, P. L.) 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 comptroller and register-generals be and they are hereby authorized to recommend to the governor, for his approbation and appointment, a competent agent or agents (for whose conduct the said comptroller and register-generals shall be accountable) to examine and adjust the accounts of the former and present county treasurers, for the arrears of state taxes; which agent or agents shall, as soon as conveniently may be, attend in those counties where the said comptroller and register-generals shall deem necessary, which are in arrears in the payment of state taxes, and shall proceed to examine and adjust the said accounts of the