

No. 65.

AN ACT

To authorize the surviving executors of the will of Henry Drinker, deceased, to sell certain lands therein mentioned, and for other purposes.

Estate of
Henry
Drinker.

Preamble to
1st section.

WHEREAS, Henry Drinker, late of the city of Philadelphia, deceased, did, at the time of his death, hold in his name by patent from this commonwealth, eight tracts of land, situated at the date of said patents in Northampton, now Wayne county, the same having been surveyed in the names of John Drinker, George Drinker, Thomas P. Cope, Samuel Simpson, Mary Sandwith, Benjamin Wilson, Thomas Stewardson and John Thomas, which lands were held by the said Henry, in trust for the use of a society known by the name of "The Society for promoting the manufacture of sugar from the sugar maple tree, and furthering the interest of agriculture in the state of Pennsylvania:" *And whereas,* The said lands are liable for sundry advances and payments made by the said Henry, in his life time, and by his executors, since his death, and sundry of the members of the said society have petitioned the Legislature to give authority to the surviving executor of the said Henry Drinker, to sell the said lands discharged of the said trusts, that the said advances and debts may be paid, and the fund duly distributed :

Thos. Stewardson, of Philadelphia, authorized to sell certain lands.

Purchasers to be free of subsequent proceedings.

Proviso.

SECT. 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 Thomas Stewardson, of the city of Philadelphia, surviving executor of Henry Drinker, deceased, be and he is hereby authorized to sell, either at public or private sale, and for cash or on credit, or both, and in such parts and proportions as he shall then see fit, all and singular the said tracts of land above referred to, and to convey the same to the purchaser and purchasers, in fee simple, free and discharged of any and all trusts, uses, liens and liabilities, upon which, or for the satisfaction whereof the said lands were held by the said Henry Drinker, in his lifetime, or have been held by his heirs, devisees or executors, since his death; and it is hereby declared that the said purchaser and purchasers, and their heirs, shall hold the said land so to be conveyed to them, discharged as aforesaid, and free and discharged moreover from all obligation on their part to see to the application of the purchase money, and from all liability for, or on account of any misapplication or non-application of the same: *Provided always,* That it shall be the duty of the surviving executor, who shall execute the power hereby

granted, to pay and distribute the proceeds of said sales, when received, towards satisfaction of the advances made on account of said lands and association, by the said Henry Drinker and his executors; and if any thing shall remain, to pay the same among the members of the said association, or their legal representatives, according to their respective interests.

Application
of proceeds
of sale.

WHEREAS, it has been represented to the Legislature that John C. Stocker and Mary Katharine his wife, died seized of various town lots and tracts of lands, in the counties of Berks, Chester and Montgomery, and of certain real estate in the city and county of Philadelphia, and also of certain undivided portions of lands in the counties of Chester and Berks, which last mentioned undivided portions of lands, they held in common with numerous heirs of the family of Potts, (and which, by reason of dispute in the titles thereof, it has been impossible to divide heretofore) and also of certain undivided rights, to any iron, copper, or other mines, ore banks, minerals or fossils, with right of digging for the same, and conveying them away in Berks and Chester counties: *And whereas*, it has been further represented, that in consequence of the decease of one of the heirs of the said John C. Stocker and Mary Katharine his wife, the fee of one fourth of the estates above mentioned have become vested in his devisees, some of whom are minors, subject to the life estate of his widow, and the shares of some of the heirs have been conveyed in trust: *And whereas*, it is thought to be, for the interest of the heirs and devisees, in whom the property is now vested, that partition of the same be now made; but as the said heirs or devisees are now numerous, and some of them minors and married women, and the lands are situated in different parts of the state, and are encumbered with rights for raising iron ore, and other reservations, a partition under the laws now in force, would be not only dilatory and expensive, but would not be calculated to do substantial justice—Therefore,

Estate of Jno.
C. Stocker.

Preamble to
2d section.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the surviving heirs of John C. Stocker, and Mary Katharine his wife, and the devisees of Anthony Stocker, deceased, or a majority of them, to consist of not less than three fourths of the same, by and with the consent of the guardians, husbands, and trustees of those who are minors, or married women, or have conveyed in trust, be, and they are hereby authorized to choose seven discreet and reputable freeholders, to make partition, into four equal parts, of all the lands and tenements, iron, copper, or other mines, ore banks, minerals or fossils, and rights of digging for, and conveying away the same in the state of Pennsylvania, which the said John C. Stocker and Mary Katharine, his wife, or either of them died, seized of either, as sole owners, or as tenants in

Provision for
the appointment of a
jury of partition.

Approval of partition. common with others, and to allot to the different heirs and devisees, their respective shares and purparts in severalty; and such partition, when so as aforesaid made, and when approved by the courts of Common Pleas of Berks, Chester, Montgomery, and Philadelphia counties, shall be firm and stable, and have the same force and effect as partitions made under the laws regulating partitions, now in force in this commonwealth.

Manner of proceeding, should it be considered advisable to sell any portion of estate. Proviso. Investment of proceeds agreeably to will of A. Stocker. 2d proviso. Security to Orph. Court.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if, in the opinion of the said freeholders, or a majority of them, it shall be advisable for the more equal distribution, that any parts or portions of the estates or rights hereby authorized to be by them divided, should be sold, that then, and in that case, they shall express their opinion that the same be sold, and upon presenting the said opinion, and upon the application of at least three-fourths in number of the said heirs and devisees to the Orphans' Court of the county in which the part or portion of the estates or right advised to be sold, shall be, requesting such sale to be made. The said Orphans' Court is hereby authorized to appoint one or more of the said heirs to sell and convey the part, portion, or right in said county, advised to be sold: *Provided however*, That before any sale shall be made, the said Orphans' Court shall prescribe the time, place, and manner in which said sale shall be made; and shall also prescribe such act to be done by the person or persons appointed to sell, as shall secure the investment of distribution of the funds arising from such sale, so far as may be necessary to carry into effect the provisions of the will of Anthony Stocker: *And provided*, That before the deed or deeds for the same shall be valid, the security for, and investment and distribution of the monies arising from the sale, and the sale itself shall be submitted to, and approved by the said court.

Partition and sale legalized

SECT. 4. *And be it further enacted by the authority aforesaid*, That the partition and sale, (if required,) when so as aforesaid made and approved, shall be held firm and stable, and shall have the same force and effect as if made under the laws regulating partitions, now in force in the state of Pennsylvania.

SAM'L. ANDERSON,

Speaker of the House of Representatives.

JESSE R. BURDEN,

Speaker of the Senate.

APPROVED—The thirtieth day of March; A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.