

No. 199.

AN ACT

To authorize Thomas Hoopes to sell certain real estate of Caleb M'Fann, deceased.

Preamble.

WHEREAS, A certain Caleb M'Fann, of Little Britain township, Lancaster county, deceased, did, in his last will and testament, made the twenty-eighth day of July, one thousand eight hundred and forty-three, direct his executor, Thomas Hoopes, to sell his personal property, and if the proceeds thereof should not be sufficient to pay his debts, then to sell a part of the real estate of said deceased, for that purpose :

And whereas, It is represented that the personal property of the said Caleb M'Fann, is not sufficient to pay his debts, nor can a part of the said real estate be sold without serious injury and damage to the whole; therefore,

Proviso.

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 upon the petition of Thomas Hoopes, executor of the last will and testament of Caleb M'Fann, late of Little Britain township, Lancaster county, deceased, the orphans' court of the said county shall grant an order to sell the whole of the real estate of said decedent, for the payment of his debts, if necessary, in case said court shall be of opinion that a part thereof, sufficient to pay such debts, cannot be sold without prejudice to and spoiling the whole; and upon such sale the said court shall make a decree for the distribution of the balance of such proceeds, agreeably to the said will, to the persons interested in the real estate, and according to their respective interests therein : *Provided,* That before said sale the said executor shall give bond to the commonwealth with such sureties, and in such penalty as the said court shall approve, for the faithful appropriation of the proceeds of such sale, according to the decree of said court.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.