

No. 335.

AN ACT

To authorize the administrators of John Dreisbach, late of Luzerne county, deceased, to sell certain real estate, and for other purposes.

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 administrators of John Dreisbach, late of Newport township, Luzerne county, Pennsylvania, deceased, be and they are hereby authorized to make private sale of the real estate of the said decedent, situated, lying and being in said Newport township, to apply so much of the proceeds as may be necessary to pay the debts of the decedent, and with the residue to purchase certain timber lands adjoining those owned by the decedent, in the township of Dorrance, in said county, said purchase to cover four hundred and fifty acres, or thereabouts, the title to the same to be made to the children and widow of the said John Dreisbach, to be held and enjoyed by them, and to be subject to the same rules and laws as though the said John had died seized thereof; that reports of the sale and purchase, as aforesaid, shall be filed in the orphans' court of said county, and before the said court shall confirm and approve the same, a day shall be fixed, and notice thereof shall be given to said widow and the children that are of age, and to the guardians of such as shall be minors, to shew cause, if any they have, against said sale and purchase; if no objections are made, the court may then confirm and approve the sale and purchase, or they may disapprove the same; if objections are made, they may proceed to enquire into the premises, and dispose of the matter as aforesaid; upon the confirmation of said sale and approval of said purchase, the said administrators shall make and execute a title, which shall be as binding and effectual in law, as though the same had been sold at public sale, by order of the orphans' court, and by them confirmed: *Provided,* That before such sale shall be made, the said administrators shall execute a bond to the commonwealth, for the use of the persons interested, with such sureties, and in such penalty, as the orphans' court of said county shall approve, conditioned for the faithful appropriation of the proceeds of said sale, as herein provided: *And provided also,* That no such sale or purchase shall be made, unless the said court shall be of opinion that the same will be advantageous to the children of the said decedent, and shall first prescribe the terms and conditions thereof.

Administrators of
John Dreisbach,
to sell real estate.

Proviso.

SECTION 2. That upon the petition of Dr. Samuel Heister, surviving executor of the last will and testament of John Heister, late of Montgomery county, deceased, in the nature of a bill of review, specifying the items and the nature and amount with which the said executor has been made liable, by a recent decision or decree of the supreme court of this commonwealth, upon the final settlement of his accounts as executor aforesaid, and the items of credit, and their nature and amount, to which he may think himself entitled, which were not allowed under said decree, and the grounds of such claim, verified by oath or affirmation, the said court are hereby authorized and required to open the said decree, upon the said final settlement, and grant a re-hearing in full

Executor of John
Heister, re-settle-
ment of accounts
of.

court, upon the matters contained in the exceptions filed by the accountant to the report made by Thomas T. Wharton, upon said final settlement, and the other matters specified in such petition, or make such other order in the premises as will enable the said accountant to have a re-hearing upon said matters, to obtain such relief as equity and justice may require, and after such re-hearing, the said court shall make such decree as may be legal and just; and all proceedings in relation to the distribution of the balance in the hands of said executor, according to the above mentioned decree, are hereby expressly suspended and stayed until another decree shall be made, after a re-hearing of the matters above mentioned; and the orphans' court of Montgomery county, to which the record and proceedings of the supreme court in the above matter was remitted, for distribution of said estate, shall, upon the application of the said executor, direct the said record and the remittitur to be returned to the office of the prothonotary of the supreme court immediately, for proceeding thereon as above mentioned: *Provided*, That the costs upon said petition and re-hearing shall be paid by the said accountant.

Proviso.

Re-conveyance of
real estate to John
H. Cressler.

SECTION 3. WHEREAS, 'John H. Cressler and Elizabeth, his wife, did, by deed bearing date the twenty-first day of January, one thousand eight hundred and forty-three, and recorded in the office for recording deeds of the county of Franklin, in record book, volume nineteen, page one hundred and fifty, et cetera, convey certain real estate therein particularly described, situate in Southampton township, in the county aforesaid, in trust for the use of the said Elizabeth Cressler and Catharine Cressler, Elizabeth Cressler, Daniel Cressler, Matilda Cressler and Victoria Cressler, children of the said John H. Cressler and the said Elizabeth, his wife: *And whereas*, The said John H. Cressler is desirous of having the said real estate re-conveyed to him, and the said Michael Cressler and Alexander Stewart are willing so to re-convey the same: *Therefore, be it enacted*, That the said Michael Cressler and Alexander Stewart, be and they are hereby authorized and empowered, to re-convey to the said John H. Cressler the said real estate, in fee simple: *Provided, however*, That such conveyance shall not be made unless the said Elizabeth Cressler, wife of the said John H. Cressler, shall, upon an examination, separate and apart from her said husband, before a judge of some court of common pleas or justice of the peace, of this commonwealth, consent to the same; which said acknowledgment shall be taken by said judge or justice of the peace, and a certificate of the same entered upon said deed of conveyance.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

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

DAVID R. PORTER.