

No. 212.

AN ACT

To authorize Minor Nesbitt, guardian of Mary Ann Nesbitt and Abraham Nesbitt, second, to receive certain moneys and make conveyance of certain lands, and for other purposes.

Preamble.

WHEREAS, Mary Ann Nesbitt and Abraham Nesbitt, second, by their guardian, Minor Nesbitt, brought an action of ejectment in the common pleas of Luzerne county, to August term, one thousand eight hundred and forty-two, number three hundred and forty-seven, for certain lands in Plymouth, in said county, particularly described in the *præcipe* and writ of said action against William Kanvan and Joze Lynn, tenants of John Moyer, who came in and defended as landlords, to compel the payment of purchase money, and the plaintiffs had a verdict in the following words: "Thirteenth August, one thousand eight hundred and forty-four, The jury find for the plaintiffs subject to the condition, that if John Moyer shall pay to the plaintiffs, the sum of nine hundred and forty-one dollars and sixty-seven cents, and interest, in seven equal annual instalments, from thirteenth August, one thousand eight hundred and forty-four, and costs, the plaintiff then to make defendant a conveyance of their interest in the premises, then judgment shall be entered for the defendants."

AND WHEREAS, The defendant, John Moyer, is ready to pay the whole amount of the said judgment, and the guardian is anxious to receive the said moneys; therefore,

Guardian of
Mary Ann and
Abm. Nesbitt, to
execute deed.

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 said John Moyer may, at any time, pay the whole amount of said judgment, interest and cost, to the guardian of said minor children, and the said guardian shall thereupon execute a deed conveying all the interest of the said minors, to the said John Moyer, in said land, which shall be deemed as good and effectual in law, to convey the interest of the said minors to the lands described in the said writ and *præcipe*, as though of full age, and conveying by deed of their own, to the said John Moyer; and the said court, upon production of the receipt in full of the said guardian, shall cause judgment to be entered on said verdict: *Provided,* That the said guardian, before the execution and delivery of the deed and the receipt of the moneys, under the provisions of this act, shall give bond with sufficient sureties, in such penalty as the orphans' court of Luzerne county may direct and approve, for the use of said minors, and with condition as required by the eighth section of the act of the twenty-ninth March, one thousand eight hundred and forty-two, entitled "An Act relating to orphans' courts."

Proviso.

Leonard Immel
to invest certain
moneys of Benj.
Batdorff and wife.

SECTION 2. That Leonard Immel, of the township of Jackson, in the county of Lebanon, committee of Benjamin Batdorff, of the same county, be and he is hereby authorized to invest in the purchase of real estate, situate within the said county of Lebanon, out of the moneys in

his hands, either as committee of the said Benjamin, or arising out of the distribution of the estate of Peter Deiffenbach, late of the same county, deceased, in the right of Esther, the wife of the said Benjamin Batdorff, any sum not exceeding two thousand five hundred dollars; and the deed or deeds of conveyance for the property so purchased, shall be taken in the name of the said Leonard Immel, in trust for the said Benjamin Batdorff, and Esther his wife, during their lives, and the life of the survivor of them, and after the death of the survivor to the heirs of the said Benjamin Batdorff, begotten of the body of the said Esther, or on failure of such heirs, then one moiety thereof to the heirs of the said Benjamin, and the other moiety to the heirs of the said Esther, in fee simple; and after the purchase shall have been made as aforesaid, and the purchase money paid by the said Leonard Immel, the same shall be a discharge to that amount of the moneys in his hands, belonging and coming either to the said Benjamin, or to Esther his wife: *Provided*, That before any investment shall be made, as aforesaid, out of the moneys of the said Esther, arising out of real estate, the said Esther shall file in writing, in the court of common pleas of said county, her assent to the same duly, acknowledged before some judge or justice of the peace of said county, and the same to be entered on the records of the said court, and be evidence of such assent: *And provided* Proviso. *further*, That before the payment of the purchase money as aforesaid, the court of common pleas of Lebanon county shall approve of such purchase, which approval shall be entered on the deed or deeds of conveyance aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
 WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.