

pass and transfer the title of the said decedent in the said real estate to the said William Carr, and his assigns, as if the said administrators had made return to said court, that they had sold said real estate to the said William Carr, and such return had been duly confirmed by said court; the said William Carr having paid to said administrators the amount of the purchase money for which said real estate was returned as sold; and the title of the present owners of said real estate shall be deemed and held as valid as if the said return contained the name of William Carr, instead of the name of Thomas Tyson.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 129.

AN ACT

To authorize James Kitchen, M. D., trustee of the estate of Eliza M. Kitchen, to sell certain real estate.

SECTION I. *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* James Kitchen, of the city of Philadelphia, trustee of the estate of Eliza M. Kitchen, be and he is hereby authorized and empowered, from time to time, to sell at public or private sale, for cash or on credit, as he may deem most advantageous, all or any part of the real estate and premises, granted and conveyed by Phebe Kitchen, widow of James Kitchen, late of the city of Philadelphia, deceased, to the said James Kitchen, by deed dated the seventeenth day of September, Anno Domini, one thousand eight hundred and twenty-eight, in trust for certain uses and purposes therein set forth, and which said deed is recorded in the office for recording deeds, &c. for the city and county of Philadelphia, in deed book G W R number twenty-five, page one hundred and seventy-seven, &c., and in the office for recording deeds, &c. for the county of Lycoming, in deed book D D page five hundred and thirty, &c.; and to make and execute a good and sufficient deed or deeds for the same to the purchaser or purchasers thereof, in fee simple, discharged from the trusts of the said deed, and free from any liability on the part of the said purchaser or purchasers thereof, to see to the application of the purchase money; and also to grant the said premises or any part thereof, to any person or persons, reserving a ground rent in perpetuity, either redeemable or irredeemable, in trust for the uses and purposes in said deed mentioned, and to sell such ground rent at

Power to sell from
time to time.

Execute deeds.

any time, and convey the same to the purchaser thereof, discharged from the trusts of the said deed, and free from any liability to see to the application of the purchase money, and to release such ground rent on the payment or performance of the covenant or condition of extinguishment: *Provided always*, That before the said James Kitchen shall make any such deed or deeds, in cases where the whole or part of the consideration money is to be received by him, and before he shall make any deed for the sale or release of any such ground rent reserved as aforesaid, he shall give security in the court of common pleas for the city and county of Philadelphia, to be approved of by said court, conditioned for the investment of the said consideration money or moneys, paid on the sale or release of such ground rent by the said James Kitchen, in such securities as the said court shall approve of, on the same trusts as are set forth in the said deed of Phebe Kitchen, widow of James Kitchen, deceased, to James Kitchen.

Proviso.

Security.

Power to sell estate of Phebe Scofield.

SECTION 2. That James Kitchen, of the city of Philadelphia, trustee of the estate of Phebe K. Scofield, late Phebe Kitchen, wife of Frederick Scofield, be and he is hereby authorized and empowered, from time to time, to sell at public or private sale, for cash or on credit, as he may deem most advantageous, all or any part of the real estate and premises, granted and conveyed by the said Phebe Kitchen to the said James Kitchen, by deed of marriage settlement, dated the fifth day of March, Anno Domini, one thousand eight hundred and thirty-eight, in trust for certain uses and purposes therein set forth, and which said deed is recorded in the office for recording deeds, &c. for the city and county of Philadelphia, in deed book G S number fifteen, page two hundred and three, &c., and in the office for recording deeds, &c. for Lycoming county, in deed book D D page five hundred and thirty-one; and to make and execute a good and sufficient deed or deeds for the same, to the purchaser or purchasers thereof, in fee simple, discharged from the trusts of the said deed, and free from any liability on the part of the said purchaser or purchasers thereof, to see to the application of the purchase money; and also to grant the said premises or any part thereof, to any person or persons, reserving a ground rent in perpetuity, either redeemable or irredeemable, in trust for the uses and purposes in the said deed mentioned; and to sell such ground rent at any time, and convey the same to the purchaser thereof, discharged from the trusts of the said deed, and free from any liability, to see to the application of the purchase money, and to release such ground rent on the payment or performance of the covenant or condition of extinguishment: *Provided*

Execute deeds.

Proviso.

Security.

always, That before the said James Kitchen shall make any such deed or deeds, in cases where the whole or part of the consideration money is to be received by him, and before he shall make any deed for the sale or release of any such ground rent reserved as aforesaid, he shall give security in the court of common pleas for the city and county of Philadelphia, to be approved of by the said court, conditioned for the investment of the said consideration money or moneys, paid on the sale or release of such ground rent by the said James Kitchen, in such securities as the said court shall approve, on the same trusts as are set forth in the said deed of marriage settlement of Phebe Kitchen to James Kitchen.

Execute deeds of confirmation.

SECTION 3. That the said James Kitchen, trustee as aforesaid, of Eliza M. Kitchen, and Phebe K. Scofield, be and he is hereby fully authorized and empowered to make, execute and deliver a proper deed or deeds of confirmation, in any or all cases of sales or conveyances upon ground rent heretofore *bona fide* made by him, of any part of the real estate vested in him as such trustee aforesaid, thereby granting and

confirming to such purchaser or purchasers, grantee or grantees upon ground rent, their respective heirs and assigns, the real estate heretofore conveyed to them as aforesaid, free, clear, and discharged from all and every trust and trusts whatsoever, and under and subject to all and singular the provisions of the said deed heretofore made by such trustee: *Provided always*, That before the said James Kitchen shall assign, *Proviso*. discharge or satisfy any mortgage heretofore taken by him, on a sale of any part of the real estate vested in him as such trustee aforesaid, and secured to be paid to him as part of the consideration money of such sale, and before he shall sell or release any ground rent heretofore reserved to him as such trustee aforesaid, he shall give security in the *Security*. court of common pleas for the city and county of Philadelphia, to be approved of by said court, conditioned for the investment of the money to be paid to him on the assignment, discharge or satisfaction of such mortgage; or on the sale or release of such ground rent by the said James Kitchen, in securities, as the said court shall approve, on the same trusts, as are set forth respectively in the said deed of Phebe Kitchen, widow of James Kitchen, deceased, to James Kitchen, and in the said deed of marriage settlement of Phebe Kitchen to James Kitchen.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 130.

AN ACT

To authorize the executor of Valentine Hoffman, late of the city of Lancaster, deceased, to sell and convey certain real estate.

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 executor of the last will and testament of Valentine Hoffman, late of the city of Lancaster, be and he is hereby authorized to sell, at public or private sale, together or in separate parcels, all the right, title, interest, claim and demand of the said Valentine Hoffman, deceased, at the time of his death, of and to a certain smith shop, and the appurtenances, in South Prince street, and the land attached thereto; also a certain three cornered lot of ground at the west end of Church street; and also a certain piece or parcel of land adjoining property now or late of George Krug, Jacob Ackerman, Jacob Leibly, the Hamilton estate, and others, containing about fourteen acres, more or less, the several

Power to sell.

Description of property.