the income of said real estate to belong to the said Magdalena, during her life, and after her death, to belong to the heirs and legal representatives of said Christian Erb.

Security.

SECTION 3. That before the aforesaid share be paid to the said Magdalena Erb, she shall give bond, with security to the commonwealth, in such sum as shall be approved of by the orphans' court of Lancaster county, conditioned for the faithful performance of the several duties imposed on her by this act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 236.

AN ACT

For the relief of Joseph J. Carlisle, trustee of Helena Carlisle, and Margaret Rice.

Preamble.

WHEREAS, Joseph J. Carlisle, as trustee of Helena Carlisle, and Margaret Rice, under the will of Godfrey G. Cope, of the Northern Liberties of the city of Philadelphia, victualler, deceased, being possessed of a bond and mortgage on certain real estate in the said city, for the separate use of the said Helena and Margaret, for their respective lives, with further contingent uses to them or to their issue; and which said bond and mortgage, as part of the personal estate of the testator appertaining to the shares of the said females, was directed by the said last will, to be invested in public stocks, or securities of the United States, or of the state of Pennsylvania, or of the city of Philadelphia, at interest, for the use of the said parties:

And whereas, At a sheriff's sale of the said mortgaged premises, the said Joseph J. Carlisle, trustee as aforesaid, for the purpose of securing the said mortgage debt, did purchase the said mortgaged premises, and did receive a conveyance from the sheriff of Philadelphia county for the same, dated the twenty-fifth day of June, one thousand eight hundred and forty-two, and entered among the records of the district court of the city and county of Philadelphia, in book M, page one hundred and twenty-eight, and so forth, vesting the said premises in him the said Joseph J. Carlisle, his heirs and assigns, trustee as aforesaid, whereby he is unable to sell the said premises, clear of the said trusts, for the purpose of raising and investing the trust moneys in personal securities, as directed by the will; for remedy whereof,

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

Joseph J. Carlisle, trustee of Helena Carlisle and Margaret Rice, by and with the consent of the said Helena and Margaret, testified by writing, under their hands and seals, shall be and he is hereby authorized to sell at public or private sale, as he with the consent aforesaid shall think best, the premises so as aforesaid conveyed to him by the sheriff of Philadelphia county, and to convey the same to the purchaser or purchasers, in fee simple, free and clear of all the trusts in the said deed contained or referred to, and without any liability in the said purchaser or purchasers, to see to the application of the purchase money : *Provided always*, That the said purchase money shall be held and invested by the said Joseph J. Carlisle, for the same uses and trusts as the said bond and mortgage were held under the will of the said Godfrey G. Cope : *And provided further*, That the said Joseph J. Carlisle, before making any deed or deeds of conveyance to the purchaser or purchasers of the before described premises, shall enter into bonds, in such sum and with such security, as the orphans' court of the county of Philadelphia may require, conditioned for the faithful performance of the said above recited trust.

Power to sell.

Proviso.

Investment.

Proviso.

Security.

Section 2. That upon the petition of the executors of the last will and testament of William Kincaid, late of Greene county, deceased, to the orphans' court of said county, setting forth, that it will be advantageous to the early settlement of the estate of said decedent, to sell certain stock in the Farmers' and Drovers' Bank, which was left as a trust fund by the last will and testament aforesaid, it shall be lawful for the court aforesaid, if it shall deem it advisable and beneficial to the interest of the estate, after an examination of the facts, to grant an order for the sale of said bank stock, upon such terms and in such manner as may be deemed proper by said court; and the purchaser or purchasers thereof, if such sale shall be decreed and take place, shall take the same free from any trust or charge contained in said last will and testament; and the interest of any person or persons in such trust fund, which may be divested by the operation of this act, shall be and remain a charge and lien upon the remainder of the estate of said deceased, until fully discharged and satisfied, according to law: *Provided however*, That before such sale shall take place, the executors aforesaid shall give bond to the commonwealth in a sum, and with sufficient surety to be approved by the said court, conditioned for the faithful appropriation of the proceeds of such sale, and for the performance of all the orders and decrees of the said court, made in the premises.

Executors of W. Kincaid of Greene county, authorized to sell bank stock.

Proviso.

Security.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

Approved—The eighth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.