

ery of all justices' dockets in the hand of any other person, who has removed or may remove, or be about to remove out of the proper district, where such dockets belong.

Courts of common pleas may compel aldermen and justices of the peace to give additional security.

SECTION 5. Whenever upon petition and due proof, if it shall be made to appear to the court of common pleas of the proper county, that any justice of the peace or alderman of any city or county, who has not been required to give security, has become, or is likely to become insolvent; or that any surety of any justice or alderman has removed from the state, or become insolvent, or is likely to become insolvent; and when upon the petition of any surety, of any justice or alderman, and proof as aforesaid, it shall appear such justice or alderman has become, or is likely to become insolvent, such court may require any such justice or alderman to give security, or additional security, or counter security, to indemnify the surety so petitioning against loss by reason of his suretyship. as the case may be, in the manner provided by the sixth section of the act, entitled "An Act providing for the election of aldermen and justices of the peace," in such sum, and by such time as the court may think necessary and proper.

Dockets of alderman and justice of the peace, to be delivered to successor in office.

SECTION 6. That so much of the tenth section of the act of June twenty-first, one thousand eight hundred and thirty-nine, entitled "An Act providing for the election of aldermen and justices of the peace," as provides for the delivery of the dockets and papers of an alderman or justice of the peace, to his successor in office, shall be, and the same is hereby deemed and construed to extend to all cases of succession in office, whether by death, resignation, removal or otherwise; and in case of the decease of any alderman or justice of the peace, the said delivery shall be made by his legal representative, to the person who is or may be elected, and commissioned to succeed him in said ward, borough or township.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

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

FRS. R. SHUNK.

No. 361.

AN ACT

Relative to 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 Samuel Wagner, esquire, of the borough of York, in the county of York, be and he is hereby authorized to sell, at public sale, all the real estate of Henry Deitz, deceased, late of Spring Garden township, in*

Samuel Wagner, authorized to sell real estate of Henry Deitz, deceased.

the county of York, the legal title of which is held, in trust, by Abraham Heistand and Jacob Deitz, former trustees of said Henry: *Provided*, That the parties interested in said real estate, as heirs, file *Proviso*. in the office of the prothonotary of the court of common pleas, of said county, before the day of sale, their written assent to the power to make sale thereby granted: *And provided further*, That if there be any minors interested, the assent of their guardians shall be deemed sufficient for the same.

SECTION 2. The said Samuel Wagner, esquire, after making said sale, shall report the same to the said court of common pleas, and upon con- *Report sale to court.* firmation thereof by said court, the said Samuel Wagner, esquire, shall require the said Abraham Heistand and Jacob Deitz, the former trustees of said Henry Deitz, who are holders of the legal title of the same, to *Trustees to join* join with him in the execution of a deed or deeds for the same, in fee *in title.* simple, to the purchaser; which purchaser or purchasers shall then, and after the execution and delivery of said deeds, be taken and deemed to be the holders, in fee simple, of said real estate, clear and discharged of all claim of the said Abraham Heistand, Jacob Deitz, Samuel Wagner, esquire, or any other who is, or may be a trustee under deeds of trust, executed by Henry Deitz, deceased, or of the heirs of the said Henry Deitz, deceased.

SECTION 3. The purchase money of said real estate, having been *Distribution of* contributed by the said Abraham Heistand and Jacob Deitz, the pur- *proceeds.* chasers, and then trustees of said Henry Deitz, out of funds separately held by them, as trustees, under distinct and separate deeds of trust, and contributive by them in unequal portions; and the said real estate being, as is now supposed, worth much more than the original cost of the same, as soon as the sale aforesaid authorized, shall be approved by the court of common pleas of said county of York, an auditor shall be appointed by said court, who shall take testimony, to satisfy himself of the amount contributed by the said Deitz and Heistand, each, toward the purchase money of said real estate, when he shall average, in the same proportion, the net proceeds, first deducting costs and expenses of the sale, and audit to, and between the said *respective funds*; and after report made of the same, and confirmation thereof by the court, the said respective amounts so fixed, shall be taken and deemed to constitute each a part of the original fund from which it was taken, and shall be so treated by the said Samuel Wagner, esquire, who is now trustee, by the appointment of the court aforesaid; and he shall so account for the said funds, when lawfully required so to do, by the parties entitled to the same.

SECTION 4. The said court of common pleas is hereby authorized *Court of com-* and empowered, to make such order and reference to the rights of Mag- *mon pleas to* dalena Bowman, formerly Magdalena Deitz, widow of said Henry *make order in* Dietz, deceased, to such portion of said trust funds, or the interest of *reference to Mag-* the same, as she may be entitled to, either under the deeds of assign- *dalena Bowman.* ment in trust, or under the agreement of the heirs, as shall seem right and just in the premises.

SECTION 5. That before any such sale shall be confirmed, the said *Surety.* Samuel Wagner, esquire, shall give bond to the commonwealth in a sum, and with sufficient sureties, to be approved by the said court, conditioned for the faithful performance of duties allowed and enjoined by this act, and the proper appropriation of the proceeds of such sale, under the order and direction of the court aforesaid.

SECTION 6. That James Gibson, James Simpson and James Pegan, *Trustees ap-* be and the same are hereby appointed trustees, to have and to hold to *pointed for the* them and their successors, forever, a certain tract of land, containing *Associate Presby-*

terian congregation of Muddy Run, Lancaster county.

about nine acres, with a house of worship thereon erected, and the appurtenances, situate in Martic township, Lancaster county, to be held, nevertheless, in trust, and for the use and benefit of a religious society, known as the "Associate Presbyterian congregation of Muddy Run," in Lancaster county: *Provided however*, That before this act shall take effect, the said trustees shall give security, to be approved by the court of common pleas of Lancaster county, for the faithful execution of their trust.

Preamble.

SECTION 7. WHEREAS, A patent was granted to general Edward Hand, deceased, on the thirteenth of October, seventeen hundred and eighty-six, for a tract of donation land, in the second donation district, number twenty-three, in Butler county, containing five hundred acres, more or less: *And whereas*, Said patent is now lost, and Mrs. Dorothy Brien, the present owner thereof, being a daughter of the said Hand, deceased, has sold the said tract of land, but cannot complete the title thereof; That the surveyor general be and he is hereby authorized and directed to issue a new patent to (*Provided*, That said patent shall not be construed, to affect the right or title of any other person in said tract of land,) the said Mrs. Dorothy Brien, for the said tract of land, and mark the same "duplicate," after payment of the usual office fees.

Surveyor general authorized to issue patent to Dorothy Brien.

Preamble.

SECTION 8. WHEREAS, George Gebhard, late of the borough of Lebanon, in the county of Lebanon, deceased, in and by his last will and testament, duly proved and recorded in the office for the probate of wills, at said Lebanon, makes the following devise: "I give and devise unto my friend, Peter Shindel, his heirs and assigns, one right or share of the ground rents of the lots in and near the town of Lebanon, which I bought of Tobias Stoever, number eight; but my said wife shall have, demand and receive the ground rents thereof, as long as she lives, and remains my widow, aforesaid, and shall be subject to the same:" *And whereas*, The widow of the said George Gebhard, deceased, died in the year one thousand eight hundred and forty-four, she remaining the widow of the said George Gebhard, deceased, until the time of her demise: *And whereas*, The said Peter Shindel died, in the year one thousand eight hundred and thirty-nine, leaving issue eleven children, nine of whom are now living, and being above the age of twenty-one years, and two of whom have since died, leaving a number of issue, most of whom are yet in their minority: *And whereas*, It is the interest of the heirs of the said Peter Shindel, deceased, and it is the desire of all those who are above the age of twenty-one years, to have their interest in the ground rents so devised, as aforesaid, sold, and the proceeds of such sale distributed among those entitled to the same, under the will of the said George Gebhard, deceased; therefore, That John Shindel, of the borough of Lebanon, be and he is hereby authorized to sell at public sale, and convey any ground rent or ground rents, which were devised to Peter Shindel, his heirs and assigns, by George Gebhard, deceased, as aforesaid, as fully and effectually as the said Peter Shindel could have done, in his lifetime, after the devise of the widow of the said George Gebhard, deceased: *Provided*, That before such sale shall be made, the said John Shindel shall satisfy the orphans' court of Lebanon county, that it is for the interest of all parties concerned, and obtain a certified order from the said court, to make such sale: *And provided also*, That before the said John Shindel shall execute any conveyance for the same, he shall give security to the satisfaction of the said court, for the faithful application of the proceeds of such sale, according to law; and the purchaser of said ground rent or ground rents shall not, thereafter, be in any way liable for the proper application of the purchase money.

John Shindel, authorized to sell ground rents of Peter Shindel, deceased.

Proviso.

Proviso.

SECTION 9. WHEREAS, The Methodist Episcopal church, in the Preamble. borough of Shirleysburg, Huntingdon county, owns and possesses a certain lot of ground, situate in the suburbs of said borough, whereon was permanently erected a house for public worship, which, by accident, has been burned down and destroyed: *And whereas*, The trustees of said church have erected a house for worship on different ground from the above mentioned, and are desirous of selling said lot, for the use and benefit of said society; therefore, It shall be lawful for John W. Trustees of Methodist Episcopal church, of Shirleysburg, Huntingdon county, authorized to sell lot of ground. Withington, George Leas and John Sharer, trustees of said church, or a majority of them, to sell and convey the said lot of ground, in the borough of Shirleysburg, aforesaid, in fee simple, at either public or private sale, as they may deem best, and for the best price they can obtain for the same: *Provided always*, That the proceeds of such sale shall be held in trust, for the use of said church.

SECTION 10. That Amelia Farquhar, executrix of the last will and testament of George W. Farquhar, late of the borough of Pottsville, in the county of Schuylkill, deceased, be and is hereby authorized to sell, either at public or private sale, and convey, in fee simple, all the right, title and interest of the said George W. Farquhar, deceased, at the time of his death, of, in and to any lands, tenements and hereditaments, situated within the counties of Lycoming and Schuylkill; and to make and to execute to the purchaser or purchasers thereof, good and sufficient conveyances and assurances in law, for the same; which said conveyances and assurances shall vest in such purchaser or purchasers the right, title and interest, in law and equity, which the said George W. Farquhar at, and immediately before his death, had and held in the same, as fully and completely, and with like effect, as if the said conveyances and assurances had been made and executed by the said George W. Farquhar, in his lifetime; and the moneys arising from such sale, shall be paid into the hands of a trustee to be appointed by the orphans' court of Schuylkill county, to be by him invested in good ground rents, mortgages or loans of this commonwealth, under the direction of the orphans' court; and the interest thereof, paid by the said trustee, semi-annually, to the widow of the said George W. Farquhar, so long as she may be entitled to the same, under the directions of the will of the said George W. Farquhar, deceased: *Provided*, That before executing and delivering any conveyance for the said real estate, the said trustee shall give security, to be approved by the orphans' court of Schuylkill county, in such amounts as the said court may direct, conditioned for the safe investment of the moneys received by him, and the faithful application of the interest thereof, to the widow of the said George W. Farquhar, deceased, and for the payment of the principal, after the decease of the said widow, as directed by the will of the said George W. Farquhar, deceased, or to those entitled to the same, by the laws of this commonwealth.

SECTION 11. That all the powers, duties and responsibilities vested by the seventeenth section of the act of the sixteenth of April, one thousand eight hundred and thirty-eight, entitled, "An Act to authorize the committee of the estate of Michael Fox, a lunatic, to sell and convey certain real estate, and for other purposes," in Francis R. Shunk, William Boyd and Thomas R. Trimble, administrators of the estate of James Trimble, deceased, be and the same are hereby vested upon the same terms and conditions as expressed in the said act, in William Boyd and Thomas R. Trimble, two of the said administrators, and the survivors of them, as fully and effectually as if the said Francis R. Shunk had not been named in the said section; and the said Francis R. Shunk is hereby discharged from the further duties of administrator, as afore-

Trustees of Methodist Episcopal church, of Shirleysburg, Huntingdon county, authorized to sell lot of ground.

Geo. W. Farquhar's executrix authorized to sell certain real estate.

Execute deeds.

Orphans' court to appoint trustee. Investment.

Proviso.

Security.

Power to sell real estate of James Trimble, vested in two of the administrators.

F. R. Shunk, one of the administrators, discharged.

Bond.

said; and the said William Boyd and Thomas R. Trimble, or the survivor of them, shall, before they make sale of any of the real estate mentioned in the seventeenth section of the said act of the sixteenth of April, eighteen hundred and thirty-eight, enter into bond or recognizance with one or more sureties, in such sums as the orphans' court of the county of Dauphin, shall direct, conditioned for the faithful discharge of their or his duty, and the proper application of the money arising from any sale or sales made in pursuance of the authority hereby granted.

Executors of Michael Seltzer, authorized to sell real estate.

SECTION 12. That the executors of Michael Seltzer, late of Lebanon county, deceased, are hereby authorized to sell at public or private sale, a certain brick house and lot, and part of a lot of ground situated in Jonestown, said county, and as described in the will of said decedent; the terms of sale to be one-third to be paid on approval of the sale, and the balance in two equal annual payments, with interest; and said sale being approved by the orphans' court of said county, shall be good and valid, to convey to the purchaser all the estate vested in said decedent in said property, at the time of his decease; and the one-sixth part of the proceeds of said sale shall be invested under the direction of said court, at an interest of six per cent. per annum, payable to Elizabeth M'Connel, during her natural life or widowhood; after which, the principal to go to the five devisees of said property, and the residue of said proceeds of sale shall also be distributed in equal shares, amongst said five devisees, in such manner as said court shall direct; and until said property shall be sold, said executors shall put and keep the same in good repair; to defray the expenses of which, and to pay all taxes thereon, they shall have power to rent said property until such sale can be effected; and at any time before such sale shall be so effected, it is hereby declared lawful for all or either of said devisees, joining with their respective husbands, to sell and convey all their interests in said property to any person or persons whomsoever; and such purchaser or purchasers shall be entitled to hold all the interest heretofore vested in the grantors, free from any restriction against alienation, or to receive their share of the proceeds of sale, if a sale shall be effected by said executors.

Further powers.

Devisees may sell.

Court of Philadelphia county may remove trustees of the estate of Hannah Cornell Morris.

SECTION 13. That the court of common pleas, for the county of Philadelphia, on the petition of any party or parties interested in the trust estate of Hannah Cornell Morris, late of the state of New York, deceased, may proceed to remove any trustee or trustees of any part of the said estate, which may consist of real property situated within the city or county of Philadelphia, who may have been absent from the United States for more than one year preceding the filing of any such petition, as aforesaid; and to appoint a trustee or trustees in the place of such original trustee or trustees so to be removed, as aforesaid; and the said court may proceed to exercise the power hereby conferred upon it, without notice to any such trustee or trustees so to be removed, as aforesaid.

A certain lot of ground vested in the corporation of Philadelphia, discharged from certain uses.

SECTION 14. That a certain lot of ground, situated on the south side of Lombard street, between Tenth and Eleventh streets, in the city of Philadelphia, containing in front, east and west on said Lombard street, from Tenth to Eleventh streets, three hundred and ninety-six feet, and in depth, north and south on said Tenth and Eleventh streets, seventy-eight feet, bounded northward by Lombard street, eastward by Tenth street, southward by ground now or late of Baron. Hurst & company, and westward by Eleventh street, which was granted to the mayor, aldermen and citizens of Philadelphia, by patent from the commonwealth, bearing date the thirteenth December, one thousand seven hundred and ninety, for a burial ground for deceased strangers, be and the same is hereby vested in the corporation of the mayor, aldermen and

citizens of Philadelphia, freed and discharged from the use mentioned in the said patent.

SECTION 15. WHEREAS, Harriet Coleman, guardian of her minor Preamble.

children, for the purpose of protecting a mortgage debt, due to her in their behalf, did as guardian, become the purchaser at sheriff's sale of a certain estate and premises, in Penn township, in the county of Philadelphia, described in the said mortgage, and receive a conveyance thereof, to her, her heirs and assigns, from the sheriff of Philadelphia county, bearing date the eighteenth day of June, one thousand eight hundred and forty-two, recorded among the records of the district court for the city and county of Philadelphia, in book M, page one hundred and sixteen, et cetera: *And whereas*, From the recital of the said guardianship therein, the said Harriet cannot sell the said property, as was her intention in the purchase, clear of the said trust, in order to raise so much of the said mortgage debt as the said premises may produce; therefore, it shall be lawful for the said Harriet Coleman to sell and convey the said estate and premises, in fee simple, in parts, or altogether, at either public or private sale, as she may deem best, and for the best price she can obtain for the same, free and clear from all trust for the said children, and without any liability in the purchaser or purchasers, to see to the application of the purchase money: *Provided always*, That the proceeds of such sale or sales, shall be held and disposed of by the said Harriet, in trust for the use of the same children, who were interested in the said mortgage, according to their respective shares or interests therein.

Harriet Coleman,
guardian of her
minor children,
authorized to sell
real estate.

SECTION 16. That Jonas Bowman, of the city of Philadelphia, trustee of Sarah Bollinger, of the township of Ephrata, in the county of Lancaster, is hereby authorized to sell, by public or private sale, with the approbation of the said Sarah Bollinger, a tract or piece of land, situated in said county, and heretofore held in trust for the use of the said Sarah Bollinger, by virtue of a deed, dated the fourth day of September, Anno Domini, one thousand eight hundred and thirty-three, and recorded in the recorder's office at Lancaster, in book Z, volume fifth, page two hundred and ninety-five, &c.; and the sale and deed, made by said trustee, shall be held good and valid, to all intents and purposes; and thereby all of the trusts contained in the deed of the fourth day of September, Anno Domini, one thousand eight hundred and thirty-three, shall be abrogated and rendered null and void.

Jonas Bowman,
trustee of Sarah
Bollinger, authorized to sell real
estate.

SECTION 17. WHEREAS, John Mitchell, formerly of Chester county, Preamble.

deceased, by his will, proved in the register's office of said county, August twenty-ninth, one thousand eight hundred and fifteen, left certain real estate, of which he died seized, in the city of Philadelphia, consisting of a house and lot in Letitia court, to his sister Elizabeth Boyd, for life, and at her death to be equally divided among her three daughters, Margaret, Matilda and Hannah, their heirs and assigns, as tenants in common: *And whereas*, The said Margaret afterwards intermarried with Samuel Steen, and the said Matilda intermarried with John Fulton, all of whom are in full life; that the said Hannah intermarried with Joseph Pyle, both of whom are deceased, leaving one child, Abigail Ann Pyle, a minor, now about eight years of age, who has for her guardian, John Worth, of Chester county: *And whereas*, The said Elizabeth Boyd is still living, being now upwards of eighty years of age, and that all the parties interested reside at a distance from the said property, and the same can no longer be rented to advantage; therefore, John Worth, of Chester county, guardian of Abigail Ann Pyle, a minor child of Joseph Pyle, deceased, be and he is hereby authorized to unite with the other parties in interest, in making sale of a certain house and lot, in Letitia court, in the city of Philadelphia, in which the

John Worth,
guardian of Abi-
gail Ann Pyle, to
sell certain real
estate.

Proviso.

said Abigail Ann derives title to one-third part in remainder, after the decease of her grand-mother, Elizabeth Boyd, by the will of John Mitchell, deceased: *Provided*, That before title be made, he shall obtain confirmation of such sale by the orphans' court of the city and county of Philadelphia.

Preamble.

SECTION 18. WHEREAS, Andrew Aulenback, deceased, of Berks county, did, in his life time, by his certain last will and testament, dated the fifteenth day of February, one thousand eight hundred and forty-five, devise certain real estate to his daughter Catharine, intermarried with Ferdinand Egelman, consisting of two lots with houses erected thereon, and the appurtenances, lying in the borough of Reading, Berks county, for and during the term of her natural life, and for her separate use, free from the interference and debts of her husband, and after her death, hath devised the remainder over to her children: *And whereas*, The said property is now comparatively unproductive, and the children are all young, and the said real estate could be cut up into town lots, and sold to greater advantage at this particular time, and the proceeds invested in other good real securities; therefore, The said Catharine Egelman shall have authority to sell, and convey the same to such purchaser or purchasers, and upon such terms as shall be most advantageous to the said estate, and to invest the proceeds in other real estate, upon the same trusts as those contained in the said will: *Provided*, That the said Catharine, before she shall make such sale, shall give security, to be approved of by the orphans' court of Berks county, that she will well and faithfully sell the said real estate, at fair and reasonable prices; and that she will, with the approval of said court, faithfully invest the proceeds of the estate aforesaid, in the purchase of other real estate, in the county of Berks, upon the said trusts.

Catharine Egelman authorized to sell certain real estate.

Proviso.

Preamble.

SECTION 19. WHEREAS, John Trimmer, junior, of Paradise township, in the county of York, and Margaret his wife, by an indenture, bearing date the nineteenth day of May, Anno Domini, one thousand eight hundred and twenty-eight, sold and conveyed a certain tract of land, situated in the said township, containing fifty acres and allowance, to Barnet Trimmer and William Trimmer, in trust, for the use and benefit of Margaret Morgenthal, and her heirs, forever: *And whereas*, The consideration of said deed, to wit: the sum of fifteen hundred dollars was paid by Frederick Morgenthal, the husband of said Margaret Morgenthal, to the said John Trimmer, at and before the en-sealing and delivery of the same deed: *And whereas*, The said Margaret Morgenthal and Frederick Morgenthal, are desirous to have the legal title to the said real estate vested in said Margaret, so that she may sell and convey the same for a valuable consideration; therefore, The said Barnet Trimmer and William Trimmer, or the survivor of them, if they or he are willing to convey the said real estate, are hereby authorized and empowered to make a deed to the said Margaret Morgenthal, vesting in her, in fee simple, the said real estate; and upon the said deed being made as aforesaid, the legal, as well as equitable estate, shall be in the said Margaret, for all purposes whatsoever.

Barnet Trimmer & William Trimmer, authorized to make a deed to Margaret Morgenthal.

Executors of Daniel Yonker, authorized to sell certain real estate.

SECTION 20. That the executors of the last will and testament of Daniel Yonker, deceased, by and with the consent and approbation of Margaret Yonker, widow and relict of the said Daniel Yonker, testified, by her signing and executing the deed or deeds of conveyance, be and they are hereby authorized to sell, at public or private sale, all the real estate of the said Daniel Yonker, situated in the county of Philadelphia, and make and execute a deed or deeds of conveyance to the purchaser or purchasers thereof, in fee simple; and on the receipt of the purchase money, or such part thereof as may be required to pay

and discharge the debts of the said testator, and the needful expenses attending such sale, to invest the balance of such purchase money on mortgage, the interest whereof shall be payable to the said Margaret Yonker, during her natural life, and at her decease distribution shall be made according to the directions of the said will: *Provided*, That nothing herein contained shall be construed to impair the right of the commonwealth, to the collateral tax that will be due, and owing at the decease of the said Margaret Yonker. Proviso.

SECTION 21. That before such sale or investment shall be made, the said executors shall execute a bond to the commonwealth, to the use of the persons interested, with such sureties, and in such penalties as the orphans' court for the city and county of Philadelphia shall approve, conditioned for the faithful appropriation of the proceeds of such sale, as aforesaid.

SECTION 22, That Charles Shippen, John Shippen and Richard Shippen, the executors of the last will and testament of Robert Shippen, deceased, or a majority of them, be and they are hereby authorized and empowered to sell, in such manner and on such terms, as they may judge to be for the interest of the persons interested therein, all that, the said plantation or tract of land situated in the township of Drumore, in Lancaster county, containing one hundred and ninety-two acres, two rods and thirty-four perches, be the same more or less, with the appurtenances, late the estate of the said Robert Shippen, deceased, (it being the same tract of land which William Bigham and Mary, his wife, by deed, bearing date the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and nine, and recorded at Lancaster, in deed book number two, page eighty-one, did grant and convey to the said Robert Shippen, his heirs and assigns, in fee,) and to make to the purchaser or purchasers thereof, a sufficient and legal conveyance for the same; to pay three-tenths of the net proceeds arising from the sale of said plantation, or tract of land, to the said Mary Maxwell, Elizabeth Shippen and Ann Shippen; and to invest the remaining seven-tenths of the proceeds arising from said sale, in such manner as they, the said executors, or a majority of them, shall deem proper; but so that the interest thereon shall be paid, annually, to the said Mary Maxwell, Elizabeth Shippen and Ann Shippen, during the lifetime of the said Mary Maxwell, and unto the said Elizabeth Shippen and Ann Shippen, for two years after the death of the said Mary Maxwell; and the principal shall be then paid to the said executors, or the survivor of them, to be by them distributed and disposed of, in the manner provided for in said last will and testament: *Provided*, That the said executors, before they proceed to the sale of said plantation, or tract of land, shall file in the orphans' court of Lancaster county, a bond with sufficient security, (to be approved of by the judges of the said orphans' court,) for the faithful performance of the sale of said plantation, or tract of land, and distribution and disposal of the proceeds arising from said sale. Description.

SECTION 23. WHEREAS, Ludwig Miller, deceased, late of Saltlick township, in the county of Fayette, before his death, to wit:—on the nineteenth day of April, Anno Domini, eighteen hundred and thirty-seven, made a contract in writing with his son Frederick Miller, for the sale of certain real estate lying in Saltlick township, aforesaid: also, during his lifetime, made a parol contract with his son Jacob H. Miller, for the sale of a certain other parcel of land, in the same township and county, and died without having made a deed or other sufficient conveyance of the land, to the said Frederick and Jacob H.; which said Frederick and Jacob H. Miller have, since the completion of the said sale, Preamble.

Jacob H. Miller,
to execute deed to
Frederick Miller.

Frederick Miller,
to execute deed to
Jacob H. Miller.

Proviso.

Proviso.

Powers conferred
on John Kenne-
dy, trustee of
John Duffy, of
Butler county.

Commissioners of
Berks county,
authorized to sell
certain real estate.

Preamble.

purchase and sale, been appointed administrators of the goods and chattels of the said Ludwig Miller, and therefore, have not the power to prove the several contracts in court, as provided by the act of the thirty-first of March, seventeen hundred and ninety-two, relating to contracts of decedents; therefore, Jacob H. Miller be authorized and empowered, as one of the administrators of Ludwig Miller, deceased, to execute a deed, in fee simple, to Frederick Miller, for the tract of land in Saltlick township, and county of Fayette, bought by the said Frederick, from the said Ludwig Miller, deceased, according to the written contract of the said Ludwig, with Frederick aforesaid, bearing date the nineteenth day of April, Anno Domini, eighteen hundred and thirty-seven, upon the payment by him, the said Frederick, or his heirs, of the purchase money, or any part thereof, that may remain due, and otherwise complying with the terms of his said contract, with the said Ludwig, deceased: also, that the said Frederick, as one of the administrators of Ludwig Miller, deceased, be authorized and empowered to make to Jacob H. Miller, aforesaid, a deed and conveyance for the tract of land, above described, in Saltlick township, aforesaid, according to the terms of his said parol contract, with the said Ludwig Miller, during his lifetime, upon the payment, by the said Jacob H. Miller, or his heirs, to him the said Frederick, of the purchase money, or any balance thereof that may remain due, according to the terms of the said parol contract, with the said Ludwig, deceased, and otherwise complying with the provisions of the same: *Provided*, That either one of the said Frederick or Jacob H., shall have the power, as one of the administrators aforesaid, to enforce the said contracts, one against the other, in any of the courts of this commonwealth, as fully as though either was sole administrator of the said Ludwig, deceased: *Provided also*, That they, and each of them, together with the sureties in their bond given to the commonwealth, as administrators of the said Ludwig, deceased, be bound to account for all money received by either of them, the said Frederick and Jacob H., one from the other, arising from the said contracts and sales, as though the same had been received by both of them, as administrators of the said Ludwig Miller, deceased.

SECTION 24. That John Kennedy, of Butler county, trustee of John Duffy, of said county, is hereby invested with all the power and authority conferred upon Francis M'Bride, former trustee of said John Duffy, under the provisions of the first section of the act of assembly, passed the ninth March, eighteen hundred and forty-three, entitled "An Act to authorize certain trustees to sell and convey certain real estate;" subject, however, to all the provisions of said act, in relation to the approval of a sale, and as to security for the application of the proceeds of such sale.

SECTION 25. That the commissioners of Berks county are hereby authorized to sell at public sale, a certain two story brick building, and the lot of ground on which the same is erected, situated in the borough of Reading, county aforesaid, at the corner of Fifth and Penn streets, containing along Fifth street, about one hundred feet, and in front, along Penn street, about thirty feet, formerly used for the county offices; and on a sale being made, to execute a good and sufficient title to the purchaser for the same; the proceeds of said sale to be paid into the treasury of said county, for the use thereof.

SECTION 26. WHEREAS, Under a writ of *alias levavi facias*, issued out of the court of common pleas of Montgomery county, against Jacob New, in a suit in which he was defendant, to February term, one thousand eight hundred and eighteen, number six, a messuage and piece of land, situate in Upper Dublin township, in said county, was taken in execution and was sold by Justus Scheetz, then sheriff of said county,

to Elizabeth Potts, of said township, now deceased; and said sheriff made return to said writ of land sold, but omitted to state, in said return, to whom such sale had been made, and never executed a deed for the premises so sold to the purchaser thereof, and is now *non compos mentis*: *And whereas*, The above named Elizabeth Potts paid the purchase money of said premises, to the said sheriff, which was distributed to the lien creditors, according to law, and went into the possession of said premises, and continued in possession thereof until her death, in the year one thousand eight hundred and forty-one; and before her decease, made a last will and testament, in which she authorized and directed the executors of her will, to sell the said real estate, purchased by her as aforesaid: *And whereas*, Doubts exist whether the legal title to the said premises was vested in said Elizabeth Potts, at the time of her death; and whether her executors, under said will, can execute a good and valid title for said premises to the purchaser thereof; and no mode is provided, by the existing laws, to perfect said title, and it is just and right that the same should be perfected; therefore it is hereby enacted and declared, that the real estate, taken in execution, under the above mentioned writ of *alias levare facias*, and sold as aforesaid, to the above named Elizabeth Potts, shall be considered held and adjudged, to be the estate of the said Elizabeth Potts, and be held and adjudged, to be vested in the executors of her last will and testament to the uses thereof; and the said executors shall have full power and authority to sell and convey the said real estate to the purchasers thereof in fee; and the deed of conveyance, which may be executed by the said executors therefor, shall be held and adjudged, as good and valid, and effectual in law, as if the said sheriff had duly returned said real estate, sold to the said Elizabeth Potts, and had duly executed, acknowledged and delivered to her a deed of conveyance therefor, and the title to the same had been completed while he was the sheriff of said county.

Title to certain
real estate con-
firmed in Eliza-
beth Potts.

SECTION 27. That the title to certain real estate, mentioned in the last will and testament of Michael Roth, late of Berks county, deceased, be and the same is hereby vested in Jacob Roth, his heirs and legal representatives, in fee simple: *Provided however*, That before such title shall vest as aforesaid, the said Jacob Roth shall give bond to the commonwealth, in such sum, and in such surety as shall be directed and approved by the orphans' court of Berks county, conditioned for the payment of the purchase money thereof, as may have been agreed upon by the persons chosen or appointed, under the directions of said last will and testament, to value and appraise said tract of land, or to make distribution thereof to the persons legally entitled to the same, under the orders and directions of the orphans' court aforesaid.

Title to certain
real estate con-
firmed in Jacob
Roth.
Proviso.
Bond.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

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

FRS. R. SHUNK.