

No. 249.

A N A C T

To authorize the partition of certain real estate of Isaac Starr and others.

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

Persons in interest with Churchill Houston, &c.

Empowered to issue a writ of partition from common pleas of Schuylkill county.

the persons, or any one of them, seized of an undivided interest in any lands, tenements and hereditaments in Schuylkill county, in this state, which were held in common with the late Churchill Houston at the time of his death, shall be and they are or any one of them is hereby authorized and empowered to issue a writ of partition from the court of common pleas of said Schuylkill county, in the usual form, for a partition or division of all or any of the said lands, tenements or hereditaments; and the said court shall, if the said parties are entitled by law to claim and demand a partition or division thereof, order and direct service of notice of said writ, and all other writs, rules and orders to be made upon the executors of the said Churchill Houston, now acting under the will, proved and remaining of record in the office of the register of the county of Philadelphia; and to direct notice of said writ of partition, to be published once a week for six weeks in one newspaper in the said Schuylkill county, and in one newspaper in the city of Philadelphia; and such service of said writs, rules and orders, and such notice and publication of said writ of partition, shall be taken and considered to be, in every respect, as full and complete as to both the heirs-at law, and the devisees under the said will of the said Churchill Houston, and each and every one of them, as if the said writ had been personally served upon them and every of them.

Court to proceed to make partition.

SECTION 2. That upon proof of such service upon executors and notice and publication of said writ, the said court shall be authorized to proceed and make partition of the said lands according to law; and all persons, corporations and institutions claiming either as heirs or devisees of the said Churchill Houston, may appear and become parties to the said proceedings; and all orders, rules, decrees and judgments made or given by the said court therein, shall bind and be obligatory upon all and every person, corporation or institution claiming under the said Churchill Houston, whether as heirs or devisees, or in any other way whatever, as fully and effectually as they would have bound and been obligatory upon him, were he then living and duly made a party thereto.

How estate may be conveyed.

SECTION 3. That the share of the said lands, tenements and hereditaments whereof the said Churchill Houston died seized, or the proceeds thereof, if the same should be directed to be sold, shall be conveyed in severalty or be paid over to a trustee or trustees, to be appointed by the said court, upon giving such security as the court may direct, to be held for the use of the persons entitled thereto, and to be conveyed and paid over by said trustee or trustees according to the orders, decrees and directions of the said court, which is hereby authorized and empowered to make and give all such orders, decrees and directions as may be requisite and necessary in the premises.

Title to vest in parties.

SECTION 4. That such partition or partitions, when ordered and decreed, and the proceedings therein shall vest in the parties, and in the

trustee or trustees appointed, as aforesaid, their full and respective interests, and the interest of the said Churchill Houston in the premises in severalty, and be and remain firm and stable forever, whether the heirs or the devisees of the said Churchill Houston shall be determined to be entitled to his share or purpart in the said premises; and if the premises, or any part thereof, shall be sold under the order of the court in the proceedings aforesaid, such sale or sales shall vest in the purchaser or purchasers the whole right, title and interest of the parties to the said writ, and of the said Churchill Houston in the premises, as fully as they and he held and were entitled thereto.

SECTION 5. That the executors, heirs and devisees of the said *Churchill Houston*, who may become parties to said proceeding, shall be taken and considered to represent his interest in the premises, and shall not, nor shall any other person or persons be allowed to object to the said proceedings on the ground that they claim his said share or purpart adversely to each other. .

Representatives of C. Houston to be considered as representing his interest.

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 250.

AN ACT

To authorize and empower Erasmus D. Wolf, surviving executor of Rebecca M'Glensey, deceased, to execute and deliver a deed for a tract of land, in Point township, Northumberland county.

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 Erasmus D. Wolf, of Philadelphia, surviving executor of Rebecca M'Glensey, who was the executrix of her late husband, William M'Glensey, deceased, be and is hereby authorized and empowered to make, execute and deliver unto John Hamer, a deed of conveyance for a certain tract of land, situate in Point township, Northumberland county, adjoining lands of William L. Cook, William Lighon and others, containing one hundred and ten acres, more or less, in pursuance of articles of agreement, dated May the twenty-fourth, eighteen hundred and forty-five, conveying and confirming unto the said John Hamer, his heirs and assigns, all the right, title and claim of the said William M'Glensey and Erasmus D. Wolf, as tenants in common, both

Surviving executor authorized to execute deed to John Hamer.