

No. 8.

AN ACT

Confirming the title to certain real estate late of Doctor John Jones, deceased.

WHEREAS, Doctor John Jones, late of Upper Dublin township, Montgomery county, Pennsylvania, deceased, who died on the twenty-ninth day of June, one thousand eight hundred and forty-five, by his last will and testament, dated the fourteenth day of May, Anno Domini one thousand eight hundred and forty, and proved the fourth day of July, one thousand eight hundred and forty-five, and remaining in the register's office of said county, inter alia, directed that certain of his real estate, constituting part number one and part number two, mentioned in said will, should be valued and appraised within three months after his decease, in the manner directed in said will, in two separate parts, and devised the said parts to his sons, Joshua Y. Jones and Charles D. Jones, at the valuation so made on the terms mentioned in the will, the said sons to agree as to the part each one should take; and in case they could not agree as to such partition, choice or division among themselves, or should decline and refuse to accept such real estate at the appraised price, the testator ordered and directed the same to be sold by his executors at public sale, within one year after his decease, on the terms and conditions mentioned in the will; and on the sale of all or any part of his real estate, he authorized and empowered his executors to execute deeds of conveyance for the same to the purchasers thereof, in fee simple; the proceeds of the sales, to be accounted for in the aggregate of his estate, which is disposed of by said will: Preamble.

And whereas, The said real estate, directed to be valued as aforesaid, was duly valued and appraised within the time required by said will, and the said Joshua Y. Jones and Charles D. Jones declined and refused to take any part of said real estate, at the valuation thereof, under said will, whereby the said real estate was required to be sold, according to said will:

And whereas, The executors of said will, after having given due public and timely notice of the time and place of sale, exposed to sale by public vendue or outcry, on the premises, a messuage and tract of land of eighty-nine acres and eight perches, more or less, number one, in said will; also, a messuage and tract of land of ninety-three acres and one hundred and twenty-three perches, more or less; and a tract of land of twenty-three acres and eighty-five perches; and a tract or piece of land of six acres and one hundred and forty-eight perches; which together constituted the said part number two, valued and appraised as aforesaid, on the twelfth day of November, one thousand eight hundred and forty-five, and within one year after testator's death, pursuant to his will, but were unable to sell the said messuage and ninety-three acres and one hundred and twenty-three perches, and the said twenty-three acres and eighty-five perches of land, for want of bidders; and the said executors, after again giving the like due public and timely notice as aforesaid, again exposed the said messuage and tracts of land to sale at public sale, on the premises, in manner aforesaid, on the twenty-sixth day of October, one thousand eight hundred and forty-six, but were unable to sell the same for want of bidders;

and the said executors, after again giving the like due public and timely notice aforesaid, again exposed the same messuage and tracts of land, so remaining unsold, to sale at public sale, on the premises, in manner aforesaid, on the first day of February, one thousand eight hundred and forty-seven, and sold the said messuage and ninety-three acres and one hundred and twenty-three perches, more or less, to Jonathan Shay, for the sum of eighty dollars per acre, amounting to seven thousand five hundred dollars, that being the highest price bidden; and the said tract of land of twenty-three acres and eighty-five perches, to Robert Tomlinson, for the sum of seventeen hundred and eighty-eight dollars and thirty-seven cents, that being the highest price bidden for the same, on the terms and conditions provided in said will:

And whereas, Doubts have arisen whether, under said will and testament, the said sales, made more than a year after testator's death, although efforts were made to sell within the year, and deeds conveying the said premises so sold, to the said purchasers respectively, in fee, would vest a good and complete title in fee for said premises, in the said purchasers:

And whereas, Upon the payment and securing of the said purchase money, agreeably to said will, to be accounted for by said executors, the said purchasers should be made secure; and the heirs and legatees of the testator, and the heirs of such heirs and legatees, be divested of all right, interest and claim, in and to said real estate, sold and conveyed as aforesaid, under said will, or otherwise. For remedy whereof, therefore,

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 executors of the last will and testament of Doctor John Jones, above named, are hereby authorized and empowered, upon and after the payment of the purchase money bidden for the said messuage and tract of land of ninety-three acres and one hundred and twenty-three perches, more or less; and the said tract of twenty-three acres and eighty-five perches of land, by the said Jonathan Shay and said Robert Tomlinson, respectively, on securing the same, agreeably to said will and the conditions of sale, to execute and deliver to the said respective purchasers, a deed of conveyance for the premises sold to each as aforesaid, in fee simple; and the deeds of conveyance, which may heretofore have been executed, or may hereafter be executed as aforesaid, for either of the said tracts of land, with the appurtenances, or any part thereof, shall be deemed, held, taken and construed, to vest the title to the premises so conveyed in the purchaser thereof, or grantee in fee simple, as fully and completely, to all intents and purposes, as if the sale and conveyance of such premises had been made within one year after said testator's death; and the heirs and legatees of the said testator, and the heirs of such heirs and legatees, shall thereafter be forever debarred from all right, title and interest, in the lands and tenements sold and conveyed as aforesaid: *Provided*, The said executors shall account for the proceeds of the said sales; and the same shall be distributed as is provided in said will, in the same manner, as if the said premises had been sold and conveyed within one year after the said testator's death.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

WM. WILLIAMSON,

Speaker of the Senate.

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

FRS. R. SHUNK.

To execute a deed.

Proviso.