

No. 28.

## AN ACT

To enable the executors and administrators of decedents to perfect title to real estate in certain cases.

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 in all cases where contracts, either in writing or by parol, to sell any lands and tenements within this commonwealth, owned by two or more persons in common, and where such parol contract shall have been so far in part executed as to render it unjust to rescind the same, have been heretofore made, or shall hereafter be made, by such owners, or either of them, by and with the consent of the other, or others, with any person or persons whomsoever, and when one of the said venders shall have died without having made provision, by will or otherwise, for the perfecting of the title of the purchaser or purchasers, on a performance by him, her or them, of the terms of such contract, and where the surviving vendor or vendors may be desirous to perfect such title, it shall be lawful for the executors or administrators of such decedents, being satisfied with the performance by such purchaser or purchasers, of his, her or their stipulations in such contract, to execute and deliver to such purchaser or purchasers, a deed or deeds, with clause of special warranty for his decedent's share of such lands and tenements; which deed, so as aforesaid executed and delivered, shall as effectually vest in such purchaser or purchasers, the title of such decedent, as if the same was executed and delivered by such decedent in his lifetime: *Provided,* That the executors or administrators of such decedent shall be chargeable with so much of their decedent's share of the purchase money, as shall not have been paid to him during his life: *And provided also,* That before receiving any portion of the said purchase money, the executors or administrators of such decedent shall give bond, with security, to be approved by a judge of the proper county, for a faithful application according to law, of all moneys that may be received by him, under or by virtue of the provisions of this act, which bond shall be filed in the orphans' court of the proper county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

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

FRS. R. SHUNK.