

CHAPTER MMCCXLVII.

AN ACT TO EMPOWER SAMUEL MILES, TO SELL AND CONVEY CERTAIN REAL ESTATE IN THE SAME ACT MENTIONED, AND FOR OTHER PURPOSES.

Whereas Samuel Miles and Rebecca Miles, by their petition to the general assembly have represented, that William Wister, late of the city of Philadelphia, died intestate with respect to certain estate situate in the said city, and in the county of Northumberland, and purchased by him subsequent to the date of his last will and testament; that Catharine, Samuel, William and James Miles, being minors and grandchildren of the first before named Samuel Miles, and lawful children of James Miles, deceased, and the aforesaid Rebecca his wife, by reason of the aforesaid William Wister having died intestate as aforesaid, have through their father the said James Miles, deceased, become heirs, as tenants in common to one eighteenth part of the real estate aforesaid; that the uncles and aunts of the said minors being severally entitled in fee to the one eighteenth part of the said real estate, have, (or the greater part of them hath) sold and conveyed in fee, their respective shares of a house and lot in Third street between Market and Arch streets, in the city of Philadelphia, to John Wister of the said city, for the sum of eight hundred dollars for each share aforesaid; that the said petitioners apprehend that if the said minors share of the aforesaid real estate were sold, the money arising from such sale can be so appropriated and applied, as to produce a greater benefit to the said minors, than can be obtained from the mere income thereof, and that the said petitioners pray that some person may be authorised to sell and convey in fee, the said minors share of the real estate aforesaid: And whereas, the aforesaid petitioner Samuel Miles hath also represented, that one other eighteenth part of the aforesaid real estate hath descended to his son Charles, a minor, who as far as he is capable hath agreed to the sale thereof, that it

would be advantageous to him that such sale should be made, and that it is also the prayer of the petitioner that some person may be authorized to sell and convey in fee, his said son Charles's one eighteenth part of the real estate aforesaid: And whereas, it appears just and reasonable to grant the prayer of the petitioners: Therefore,

Section I. (Section I, P. L.) 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 Miles the aforesaid petitioner be, and he is hereby authorized, at such time as he may think proper, during the minority of the said four minor children of his said son James, deceased, to sell and convey in fee simple, for such price, and in such manner, and on such terms and conditions, as he shall think most advantageous, either for cash or credit, all or any part of the said one eighteenth part of the said undivided real estate, to which the said minors have in manner aforesaid become entitled, as tenants in common; and that all contracts and agreements, deeds and conveyances, of or concerning the said one eighteenth part of the real estate aforesaid, made by the said Samuel Miles during the minority of his said four grandchildren, shall be as good and effectual in law, to all intents and purposes, as if the same had been made by his said grandchildren, after they severally attain the age of twenty-one years.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That upon any contracts or sales, made of or concerning the last aforesaid one eighteenth part, of the said undivided real estate, it shall be the duty of the said Samuel Miles, to take bonds with such real or personal security as he shall judge sufficient, in the names of his said grandchildren, and for such part of the purchase money as shall not be paid in cash, and his receipts for all or any part of the purchase money, which may be paid in cash, shall be a good discharge to the purchaser or purchasers, and he shall pay over the said cash, and deliver said bonds and securities to his said grandchildren, their executors, administrators or

assigns, or to such persons as they shall appoint to receive the same, accounting at the same time for the profits that may be made by or out of the proceeds of such sale.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That all the powers and authorities by this act given to the said Samuel Miles, shall cease and determine, in respect to the share of any one of his grandchildren, of, in or to, the first aforesaid one eighteenth part of the said undeviseed real estate, as soon as he or she shall attain the age of twenty-one years: Provided, that all the contracts touching the last aforesaid one eighteenth part of the said undeviseed real estate, made by him the said Samuel Miles, during the minority of his said grandchildren respectively, so far as the same affect such minor, shall be as obligatory on him or her, and of the same force and effect as if made by him or her, after attaining the age of twenty-one years.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said Samuel Miles under and subject nevertheless, in the exercise of the power by this section granted, to all the limitations, conditions, and restrictions, and with all the force and effect in every respect whatsoever, to and with which, he may or can by this act sell and convey in fee simple, the first aforesaid, one eighteenth part of the said undeviseed real estate, shall be, and he is hereby authorized to sell and convey, in fee simple, his said son Charles's one eighteenth part of the undeviseed real estate aforesaid: Provided always, that the said Samuel Miles shall give bond, with sufficient sureties to the orphans court, of the city and county of Philadelphia, that he, his heirs, executors or administrators, shall pay the said Catharine, Samuel, William, James and Charles Miles, or in case of the death of either of them, before he or she arrives at the age of twenty-one years, then to such person as would have been entitled to said estate, if it had remained unsold, the full amount of the sum for which the said Samuel shall sell the same, together with any increase of profit which may arise from the use thereof.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That no conveyance made in pursuance of this act, shall ever be so construed as to bar, or in any manner defeat or affect the claims of any person or persons, other than the said Charles Miles, and the said four grandchildren of Samuel Miles aforesaid, of, in or to, the before described two eighteenth parts of the undivided real estate aforesaid, or of any part or appurtenance thereof, in any wise thereunto appertaining.

Approved March 16, 1803. Recorded in L. B. No. IX, p. 9.

CHAPTER MMCCCXLVIII.

AN ACT ERECTING BETHEL TOWNSHIP IN THE COUNTY OF BERKS, INTO AN ELECTION DISTRICT.

Section I. (Section I, P. L.) 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 Bethel township, in the county of Berks, is hereby erected into an election district, and the electors thereof shall hold their elections at the house now occupied by Michael Miller in said township.

Approved March 16, 1803. Recorded L. B. No. 9, p. 9.

CHAPTER MMCCCXLIX.

A SUPPLEMENT TO THE MILITIA LAW OF THIS COMMONWEALTH

Section I. (Section I, P. L.) 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 if any commissioned officer in the city of Philadelphia, the township of the Northern Liberties or the district of Southwark, shall cease to reside therein, and remove therefrom for the space of six months, unless on public business, he shall forfeit his commission and