

their trusts to the commissioners of the county, and pay them the monies remaining in their hands: before the county was organized, the court of Westmoreland had power to appoint auditors to settle the accounts of the trustees. Trustees to be compensated for their services by the commissioners, &c. a return of the survey to be filed in the recorder's office of Westmoreland county; and so much of the act in the text as authorizes the commissioners therein named, to be trustees for the county of Armstrong, is repealed.

Armstrong county organized for judicial purposes, by act of 2d March, 1805, (chap. 2541.)

Allegheny township, erected into a separate election district, by act of 29th March, 1802, (chap. 2257.)

Place of holding elections in Buffalo township changed, by act of 7th Feb'y, 1803, (chap. 2310.)

Toby township erected into a separate district, by act of 3d April, 1804, (chap. 2507, § 7,) erected a second time into a separate district and place of holding elections therein changed; and Kirtanning township; Buffalo township; Sugar creek township; Allegheny township a second time; and Redbank township, erected into separate districts, by act of 11th April, 1807, (chap. 2856,) § 1-2-3-4-5 6.

Plum creek township erected into a separate district; and the places of holding elections in Redbank and Allegheny townships changed, by act of 20th March, 1810, § 9-10-11.

Actions for trespass on, and ejectments for lands in Armstrong county, commenced in Allegheny county, prior to the 1st Monday in November, 1805; to be transferred to Armstrong county, &c. by act of 26th March, 1808, (chap. 2949.)

By the last enumeration, the county of Armstrong contained nine hundred and sixteen taxables; and Jefferson and Indiana one thousand one hundred and twenty-three taxables; total, two thousand and thirty-nine; and by the act of 21st March, 1808, apportioning the representation in pursuance thereof, these three counties send one member to the House of Representatives, and in conjunction with the county of Westmoreland, one member to the Senate.

By the judiciary act of 24th Feb'y, 1806. The counties of Somerset, Cambria, Indiana, Armstrong and Westmoreland, compose the tenth judicial district. The courts in Armstrong are held on the third Mondays of March, June, September and December. The term continues one week.

Armstrong county is annexed to the western district of the Supreme Court.

1800.

CHAPTER MMCXX.

An ACT declaring the power and authority given by any last will and testament to executors to sell and convey real estates, to be and remain in the survivors or survivor of them, unless otherwise expressed in the will of the testator, and for other purposes therein mentioned.

WHEREAS doubts have arisen in the construction of those existing laws of this commonwealth, which relate to the power which executors and administrators, with the will annexed, have to sell and convey the estates of their testators: And whereas, the importance of the subject requires that those laws should be so explained and amended, that persons appointed to execute the last wills and testaments of decedents, may know the extent of their powers, and be enabled fully to execute their respective trusts: Therefore,

SECT. I. *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 wherein testators have devised, or may hereafter devise their real estates, or any part thereof, to their executors, to be sold, or have authorized and directed, or may hereafter authorize and direct such executors to sell and convey such real estates, or have di-

(See chap. 1607, and the notes thereto ante. pa. 66.)

Power of surviving executors over the testator's real

1800.

rected or may hereafter direct such real estates to be sold, without naming or declaring who shall sell the same, if one or more of such executors is, or are since dead, or shall hereafter die, it shall and may be lawful for the surviving executor or executors, to bring actions for the recovery of possession thereof, and against trespasses thereon, to sell and convey such real estates, or manage the same for the benefit of the persons interested therein, as fully and completely as he, she or they, together with his, her or their co-executor or co-executors, would be empowered to do, if he, she or they, were still living.

Power of acting executor, where others have refused.

SECT. II. *And be it further enacted by the authority aforesaid,* That in all those cases wherein such devises have been or shall be made, or such authority and direction given, if one or more of such executors hath or have refused, or shall hereafter refuse, or hath or have renounced, or shall renounce, it shall and may be lawful for the acting executor or executors, to sell and convey such real estates, and otherwise act respecting the same, as fully and completely as he, she or they, together with such refusing or renouncing executor or executors, would be empowered to do, if he, she or they, had not refused or renounced.

Power of administrators with the will annexed.

SECT. III. *And be it further enacted by the authority aforesaid,* That if where such devises as aforesaid have been or shall be made, or authorities and directions given, such executor or executors are deceased, or shall hereafter die, or have refused or shall hereafter refuse, or have renounced or shall renounce, and letters of administration with the will annexed, have been or shall be granted, it shall and may be lawful for such administrators, with the will annexed, to sell and convey such real estates, and otherwise act, respecting the same, as fully and completely as if such deceased, refusing, or renouncing executor or executors, might or could have done, were he, she or they, still living, or had he she or they accepted the execution of the last wills and testaments of such testators, or had not renounced.

Power where executors are dismissed.

SECT. IV. *And be it further enacted by the authority aforesaid,* That if where such devises as aforesaid have been made or shall be made, or authorities and directions given, such executor or executors shall have been or hereafter may be dismissed or otherwise discharged, the executor or executors remaining, shall have like power to sell and to execute the said trusts and authorities, as fully and amply as if all of the executors named had joined therein; or if all the executors have been or hereafter shall be dismissed, or the letters testamentary have been or shall be in any case vacated, and new letters awarded, it shall and may be lawful for the administrators, with the will annexed, or the administrator de bonis non, or other person or persons to whom letters of administration shall legally issue, to sell and to execute the said powers and authorities mentioned and contained in any last will and testament, as fully and amply as if all the executors named had joined therein.

or letters testamentary are vacated.

This act not to derogate from the power of testators.

SECT. V. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this act shall be deemed or taken to prevent any testator, from directing by his or her last will and testament, otherwise than is herein declared and enacted.