

[Section II.] Provided always, That anything herein contained shall not be construed to extend to the preventing the mending and using such parts of the said road as have been opened and used on or before the [said] first day of March .

Passed April 6, 1776. Probably not submitted to the Crown for action. See Appendix XXXIII.

CHAPTER DCCXXV.

AN ACT FOR VESTING A CERTAIN TRACT OF LAND SITUATE IN MIDDLETOWN TOWNSHIP IN THE COUNTY OF BUCKS, IN TRUSTEES, TO BE SOLD, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas Stoffel Vansand, late of the township of Middletown, in the county of Bucks, by his last will and testament dated the twenty-fourth day of June, one thousand seven hundred and forty-nine, devised to his daughter, Sina, the one-half of his land, containing fifty acres, including the buildings, orchards, swamps, meadows and half of the woodland, during her natural life; but if she should die without issue that the aforesaid tract of land and premises should be sold, and the money arising upon such sale to be equally divided between his daughter Elizabeth's children and his daughters Rachel and Olshe, and the said Stoffel Vansand, after the execution of his said will, died seized of the tract of land before mentioned:

And whereas it has been represented to the general assembly of this province and made appear to them that the said Sina is dead without issue, and that by reason of the death of John Vansand and Lewis Rue, the executors appointed by the said will, and the death of Olshe, one of the daughters of the said testator, leaving two children who are minors, the said tract of land and premises cannot be legally sold according to the intention of the testator:

And whereas several of the children of the said Elizabeth, who is also deceased, have requested that a suitable remedy may be provided by the legislature in this behalf:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Governor and Commander in Chief of the Province of Pennsylvania, by and with the consent and advice of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That the legal estate of and in the said fifty acres of land with the appurtenances and the reversions and remainders thereof and all the estate, right, title, interest, claim and demand whatsoever of the heirs and devisees of the said Stoffel Vansand of and in the said tract of land and premises, shall from and after the passing this act be and is hereby vested in William Rodman and John Brown, Esquires, and Mr. Gabriel Van Horn, in trust nevertheless that they the said trustees or the survivors or survivor of them shall and may as soon as conveniently can be after the passing this act contract and agree with any person or persons, bodies politic or corporate, whatsoever, for the sale of the said tract of land on such terms as they the said trustees or a majority of them shall think proper, and shall and may grant and convey in fee simple or otherwise the said tract of land to such person or persons, bodies politic or corporate, with whom they shall so contract and agree as aforesaid; and shall and may in their own names bring or cause to be brought any action or actions, suit or suits, in any court of common pleas in this province and, recover judgment or judgments against any person or persons, bodies politic or corporate, whatsoever, for any damages assessed on any breach of contract or agreement entered into by such person or persons, bodies politic or corporate, who shall so contract or agree for the purchase of the said tract of land, and if it be needful for the recovery of possession of the said tract of land against any person or persons who shall unlawfully withhold the same.

And whereas Rachel Rue, relict and widow of the said Lewis Rue, one of the executors aforesaid, or some other person to the heirs and devisees of the said Stoffel Vansand unknown, is possessed of the deeds whereby the title of the said tract of land was vested in the said Stoffel Vansand, and the said Rachel is also in possession of the said premises:

And whereas notice hath been given to the said Rachel that an application was made to the assembly for an act to vest the

said land in trustees to be sold and no satisfactory reason has been given to the House by her why such act should not pass:

Therefore to enable the said trustees to recover the possession of the said tract of land from the said Rachel Rue and such other person or persons as have come into possession of the same, either under the said Lewis Rue in his lifetime or the said Rachel since his decease, and perform the trust by this act required of them:

[Section II.] Be it further enacted by the authority aforesaid, That the said trustees as soon as convenient after the passing this act shall demand and require the said Rachel or other person claiming possession thereof under her or the said Lewis Rue to remove from and leave the said premises; and if the said Rachel or other person in possession as aforesaid shall refuse to comply therewith in two months after such request made, it shall and may be lawful to and for the said trustees or any of them to complain thereof to any two justices of the said county of Bucks, who upon such complaint made are hereby enjoined and required forthwith to issue their warrant in nature of a summons directed to the sheriff of the said county, thereby commanding the said sheriff to summon twelve substantial freeholders to appear before the [said] justices within four days next after issuing the same summons, and also to summon the said Rachel or other person in possession as aforesaid at the same time to appear before them the said justices and freeholders to show cause why possession of the said premises should not be forthwith delivered to the said trustees or the survivors or survivor of them; and if upon hearing the parties, or if after such summons the said Rachel or other person in possession as aforesaid shall neglect to appear, it shall appear to the said justices and freeholders that demand had been made of the said Rachel or other person in possession as aforesaid to leave the premises two months before such application to the said justices, that then it shall and may be lawful for the said two justices to make a record of such finding by them the said justices and freeholders, and the said freeholders shall assess such damages as they think right against the said Rachel or other person in possession as aforesaid for the unjust detention

of the said premises after such demand made, for which damages and reasonable costs judgment shall be entered by the said justices, which judgment shall be final and conclusive to the parties, and upon which the said justices shall and they are hereby enjoined and required to issue their warrant under their hands and seals directed to the sheriff of the said county commanding him forthwith to deliver to the said trustees or the supervisors or survivor of them full possession of the premises aforesaid, and to levy the costs taxed by the said justices and damages so by the freeholders aforesaid assessed of the goods and chattels of the said Rachel or other person in possession as aforesaid, any law, custom or usage to the contrary notwithstanding.

[Section III.] And be it further enacted by the authority aforesaid, That the receipt of the said trustees or the survivors or survivor of them under their hands for any sum of money which shall be paid to them or either of them by such purchaser or purchasers shall be a sufficient discharge for the same, saving and excepting to all and every other person and persons, bodies politic or corporate, their respective heirs, successors, executors and administrators (other than the heirs and devisees of the said Stoffel Vansand), all his, her and their right, title, interest, claim and demand whatsoever of, in or to the [said] premises or any part thereof, anything herein contained to the contrary thereof in any wise notwithstanding.

[Section IV.] And be it further enacted by the authority aforesaid, That after such sale of the aforesaid tract of land and premises shall be made and the money to arise therefrom shall be had and received by the trustees aforesaid, they shall pay and distribute the same by even and equal portions to such persons or their representatives as by the last will and testament of the said Stoffel Vansand, deceased, is directed.

[Section V.] And be it likewise enacted by the authority aforesaid, That the said trustees for their labor and service in executing the trusts and authorities hereby vested and reposed in them shall have and receive five per cent. upon the amount of the sales by them made besides all reasonable charges and ex-

penses by them laid out and expended in execution of their said trust or any matter or thing thereunto relating.

Passed March 23, 1776. Probably not submitted to the Crown for action. See Appendix XXXIII.

CHAPTER DCCXXVI.

AN ACT FOR THE RELIEF OF ALEXANDER STEWART, A PRISONER FOR DEBT IN THE GAOL OF PHILADELPHIA COUNTY, WITH RESPECT TO THE IMPRISONMENT OF HIS PERSON.

Whereas it has been represented to the assembly of this province by the petition of Alexander Stewart, late of the Kingdom of Ireland, a prisoner in the gaol of this city and county, that he is entitled to a very considerable estate in the said Kingdom of Ireland which he is willing to assign over for the payment of his just debts to his creditors, and that the said creditors are desirous of his being released on such assignment, reserving to himself the sum of one hundred pounds per annum for his support and maintenance:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Governor and Commander in Chief of the Province of Pennsylvania, by and with the consent and advice of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That the justices of the county court of common pleas for the county of Philadelphia, or any three of them, on application to them made in writing for that purpose by the said Alexander Stewart, shall appoint a certain day and place for holding a special court of common pleas in the said county, whereof due notice shall be given to the creditor or creditors, or their attorneys in fact, respectively, at whose suit he stands charged, and all other his creditors that can be known to the court, by leaving the same in writing at his, her or their last place of abode, at which time and place so appointed by the said court the said court shall by an order or rule of court cause the said Alexander Stewart to be