

CHAPTER MI.

AN ACT FOR VESTING SEVERAL HOUSES AND LOTS OF LAND IN THE CITY OF PHILADELPHIA, THE RESIDUARY REAL ESTATE OF JOHN NICHOLAS, DECEASED, IN TRUSTEES TO SELL THE SAME, AND TO MAKE DISTRIBUTION OF THE MONEY ARISING BY THESE SALES AMONG THE RESIDUARY DEVISEES IN THE SAID JOHN NICHOLAS, HIS LAST WILL AND TESTAMENT NAMED AND THEIR LEGAL REPRESENTATIVES, IN PROPORTION TO THE QUANTITY OF INTEREST EACH OF THEM HAS IN THE LANDS AND TENEMENTS TO BE SOLD, AND FOR ASCERTAINING AND SECURING TO EACH MINOR HIS OR HER SHARE OF THAT MONEY.

(Section I, P. L.) Whereas John Nicholas late of the city of Philadelphia, house-carpenter, deceased, by his last will and testament dated the seventh day of May, one thousand seven hundred and fifty-five, did devise all the residue of his mesuages, lands and tenements whatsoever with the appurtenances unto his wife Jane during life, and the remainder in third parts, to his nearest relations, to wit, one third part thereof to his sister Martha Roberts, during life, remainder to her daughter Sarah Lloyd during life and the remainder in fee to the said Sarah Lloyd's three children, Samuel Lloyd, Robert Lloyd and Martha Lloyd, in equal parts one [other] third part thereof to his sister Mary Evans during life, and the remainder in fee to the said Mary Evans' daughter Margaret Evans, and to Jane Roberts the daughter of Aubrey Roberts in equal parts and the other third part thereof to Samuel Nicholas, Mary Nicholas and Sarah Nicholas, children of his deceased brother Anthony Nicholas, their heirs and assigns forever as tenants in common and not jointly:

(Section II, P. L.) And whereas the several estates for life by the said testator given to his wife, to his sister Martha Roberts, to her daughter Sarah Lloyd, and to his sister Mary Evans are by the death of the tenants thereof all spent and defeated and the said Samuel Lloyd has died without issue, the said Robert Lloyd has died leaving four minor children named Thomas,

Samuel, Rees and Robert Lloyd and the said Martha Lloyd being married to Samuel Hudson is also departed this life and has left five minor children Robert, Sarah, Mary, William and Harry Hudson, the said Margaret Evans' only daughter and issue, Mary the wife of Marmaduke Cooper is living, the said Jane Roberts being married to Benjamin Morgan died and left one son named Benjamin now a minor, the said Mary Nicholas being married to Jonathan Cowpland also departed this life leaving five children, three whereof Caleb, Mary and Ann Cowpland are minors and Grace Cowpland and Sarah Parkinson are of full age:

(Section III, P. L.) And whereas the said Samuel Hudson, Marmaduke Cooper and Mary his wife, Benjamin Morgan, Samuel Nicholas, Jonathan Cowpland and Sarah Shute late Sarah Nicholas by their petition to this general assembly have represented and shown that of so small an estate as the said testator's, being three houses and lots in Philadelphia a just and rational partition cannot be made without spoiling the whole, that the stocks of families now interested in such partition are seven in number some of them so wide already branched out that a single share would take a fifty-fourth part of the whole only, and that succeeding generations must of course reduce such shares into an infinite number of parts, and have humbly prayed to rest the residuary real estate of the said John Nicholas in trustees to sell the same and distribute the produce of such sales among the devisees of the said John Nicholas and their representatives in such proportions as the said real estate itself if it would admit of a division by the laws of this state ought to be divided.

(Section IV, P. L.) Therefore and in order to relieve the petitioners and the several minors and other persons on whose behalf they have applied,

[Section I.] Be it enacted and [it] is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the passing of this act all the residuary real estate of the said testator John Nicholas, situate in the said city of Philadelphia, (to wit one house and lot of land

on the north side of High street and south side of Church alley, bounded eastward by a house and lot of the heirs of Sarah Lloyd, deceased, and westward by a house and lot of Joseph Crukshank; one other house and lot on the north side of the said Church alley, bounded eastward by a house and lot late of Jonathan Mifflin, deceased, northward by land belonging to Casper Wistar's heirs, and westward by a house and lot of the heirs of Elizabeth Paschall; and one other house and lot of land on the south side of Mulberry street above Second street, bounded eastward by a house and lot of John Reynell, southward by ground belonging to the heirs of Samuel Mickle, and westward by a house and lot late of Edward Warner, deceased), with all the rights members and appurtenances thereunto respectively belonging and the reversions and remainders thereof shall be and are hereby vested in the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan, their heirs, and assigns forever in trust that they the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan and the survivors and survivor of them, shall as soon as conveniently can be, give at least one month's notice of the sale of the said premises in one or more of the public newspapers printed in Philadelphia, and shall on the day or days and place or places in such notice mentioned, by public vendue or outcry either at one and the same time, or at different times and successively sell the said three houses and lots of land to the highest and best bidder offering to purchase the same; and upon receipt of the full price or consideration offered or bid at vendue for any one of the said three houses and lots of land by deed under the hands and seals of the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan or of the survivors or survivor of them grant and convey the premises and every part thereof with the appurtenances to the respective purchasers thereof their heirs and assigns forever, in such manner and form as such purchaser or purchasers or his or their counsel learned in the law shall reasonably advise or require.

[Section II.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan shall make or cause to be

made diligent and careful inquiry whether all or any of the said three houses and lots of land or any undivided part or share thereof have been charged or encumbered by the said testator John Nicholas or by any of the devisees of the remainders in fee with any former bargain and sale, mortgage, judgment, recognizance, lease, rent, annuity, jointure, will, debts or other encumbrances whatsoever, and if they shall discover any such encumbrances to have been truly and bona fide made or suffered by the said testator John Nicholas or by any of the devisees of the remainder in fee upon his or her own part and not by deed or operation of the law discharged, then the said trustees shall charge the whole produce of the sale of the residuary estate of the [said] testator with such sum of money as will clear his estate from all encumbrances made or suffered by himself in his lifetime and then afterwards apportion the shares or dividends of all and every the persons interested in the overplus of the said produce of sales, charging the share of such residuary devisee or his representative issue with such sum of money as will clear the estate from all encumbrances made or suffered as aforesaid by such residuary devisee or devisees.

[Section III.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That after completing the sales of the said residuary estate they the said Samuel Hudson, Marmaduke Cooper and Benjamin Morgan or the survivors or survivor of them shall make a report of their proceedings under their hands and seals to the orphans' court of the city and county of Philadelphia, setting forth the premises by them sold, to whom and at what price they were sold, what encumbrances they have discovered to be on the premises, and which thereof they have discharged and by whom these encumbrances were made or suffered, also a calculation of the shares which each of the residuary devisees of the said John Nicholas under his will and the representatives or children of such devisees are entitled to under the wills of their ancestors or the laws for settling intestates' estates and a calculation how much each person entitled to a share in the lands and tenements of the testator should receive of the money raised by the sale thereof; and also how and in what manner the said trustees

have secured the shares of the minor children concerned in the said division, and the justices of the said orphans' court are hereby empowered and directed to receive such report and upon their own view thereof or upon the opinion of auditors by them to be appointed to approve or amend the same and the report of the said trustees when so examined and confirmed by the orphans' court as aforesaid shall have the same effect in law as returns of an inquest of partition of lands made by the sheriff and a jury of his county confirmed by the court, and shall conclude all parties concerned in the division of the moneys produced by the sales of the said John Nicholas' residuary real estate, saving nevertheless to all persons, bodies politic and corporate their heirs and successors, executors and administrators others than such as are parties to the division of the said John Nicholas' estate) all such right, title and interest as they or any of them have or may have to the lands, tenements and premises hereby directed to be sold or any part thereof this act or anything therein contained to the contrary thereof notwithstanding.

Passed December 3, 1782. Recorded L. B. No. 2, p. 35, etc. See the Act of Assembly passed January 24, 1784, Chapter 1064.

CHAPTER MII.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE DISCHARGED SICK AND WOUNDED SOLDIERS BELONGING TO THIS STATE AGREEABLE TO THE RECOMMENDATION OF CONGRESS OF THE TWENTY-THIRD DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-TWO.

(Section I, P. L.) Whereas the honorable Congress of the United States of America by their act of the twenty-third day of April, one thousand seven hundred and eighty-two, did resolve, That all such sick and wounded soldiers of the armies of the United States who shall in future be reported by the inspector-general, or the inspector of a separate department and approved by the commander-in-chief, or commanding officer of a