

after the expiration of which term it shall be lawful for this commonwealth, to grant such settled or improved island or islands, to the first person who shall apply for the same, subject to the regulations and provisions contained in this act.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the balance of purchase money shall be a lien on the lands applied for, until paid with legal interest; and when the last payment, or whole amount of the real valuation of any island or islands, obtained as aforesaid, shall be paid into the receiver general's office of this commonwealth, which shall be within four years after the date of the warrant, a patent shall then issue to such applicant; he paying the usual fees of office.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That all disputes arising between adverse claimants under this act, for any of the aforesaid islands, shall be decided by entry of caveats and proceedings thereon, by the board of property, as in other cases of land disputes, and the decision made shall have the like force and effect.

Approved January 27, 1806. Recorded in L. B. No. 10, p. 210.

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## CHAPTER MMDCXXXVI.

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AN ACT TO AUTHORIZE JAMES M'FARLANE, DAVID BOWEN, JUNIOR, AND DAVID BOWEN OF SAMUEL, OF MONTGOMERY TOWNSHIP, FRANKLIN COUNTY, TO MAKE PARTITION OF THE REAL ESTATE OF JACOB JOHN, DECEASED, AMONG THE DEVISEES OF THE SAID JACOB JOHN, AND THEIR DESCENDANTS.

Whereas Jacob John of Bedford county, farmer, by his last will and testament duly executed, bearing date the fourteenth day of July, one thousand seven hundred and eighty-six, did devise his whole lands (two acres only excepted), with all the improvements thereof, after his widow's decease, or marrying again, unto his seven children, to be equally divided, namely, David, Margaret, Jacob, Daniel, Samuel, Joseph and Benjamin to be theirs, and their heirs and assigns forever,

only allowing a double share to his eldest son David in the division thereof: And whereas after making the said will the said Jacob John died, seized of several tracts or parcels of land then in Bedford, now in Franklin county, containing in the whole three hundred and forty acres, leaving issue the seven children aforesaid, the said will remaining unrevoked and in full force: And whereas after the death of the said Jacob John the said Margaret intermarried with Owen David, and afterwards died, leaving four children who are still in their minority, and Samuel died without issue, and the said Benjamin is still a minor. And whereas under these circumstances doubts are entertained, whether by the existing laws of this commonwealth, partition can be made of the said real estate among the several persons entitled thereto; by reason whereof the said David John, Daniel John, Joseph John, and Jacob Zimmerman, assignee of Jacob John, have applied to the legislature, praying that David John, David Bowen, jun. and David Bowen of Samuel, or other fit persons may be appointed, to act in behalf of the aforesaid minors, in dividing the real estate aforesaid of the testator, agreeably to the tenor of his will, empowered to make and execute deeds of partition, and to receive like deeds in trust for the use of the minors, or to sell and convey their shares of the said estate, if they think it most conducive to the interest of the minors, they securing the money for the minors with interest: 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 James M'Farlane, David Bowen, jun. and David Bowen of Samuel, of Montgomery township, Franklin county, be, and they are hereby appointed trustees for Benjamin John, a minor son of Jacob John, of Bedford county, deceased, and the four minor children of Margaret David, deceased, who was daughter of the said Jacob John, with full power and authority to them or any two of them, for, and on behalf, and in the names of the said minors, to agree and make partition among them and the several other persons

entitled by the will of the said Jacob John, and the laws of this commonwealth, to shares therein of the real estate devised by the will of the said Jacob John; or in case partition thereof cannot be made without prejudice to the whole, for, and on behalf, and in the names of the said minors, to agree upon and make a division thereof into a smaller number of shares, and to allot the same to such of the persons entitled to the said real estate, agreeing to receive the same, as they shall think proper; or to allot the whole to one of the parties of full age; the person or persons receiving the same paying or securing to be paid to the others, a proportionable sum of money; or if no division can be made without injury to the whole, and all the persons interested shall refuse to take the shares, or to take the whole and secure the payment of the sums of money due to the others, then, for and on behalf, and in the name of the said minors to agree upon, and make sale of the whole by public auction, for the best price that can be got for the same, securing the payment of the said minors shares of the money in manner hereinafter directed: And they are hereby authorized and empowered upon partition or sale made as aforesaid, to make deeds and conveyances of the said minors interest in the said land, and to do all other acts necessary for carrying into effect the powers given by this act, as fully and effectually as the minors could do if they were of full age, and personally acting in the business.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That in case any sum or sums of money shall be coming to the said minors from a partition or sale as aforesaid, it shall be the duty of the said trustees, and they are hereby required to take mortgage for the same, upon the lands in this act mentioned, payable with interest to the said minors respectively, which mortgage they are hereby required to cause to be forthwith recorded in the proper county, and, having had them so recorded, to deliver them to the respective guardians of the said minors, or if they have no guardians to deliver them to the said minors respectively, as they shall attain full age.