

of land, lying in the township of Ridley, and county of Delaware, containing two hundred and nineteen acres and one hundred and twenty-five perches, that at the time of the said purchase the said Samuel Ashton was not informed the said William Playford was an alien, and therefore incapable of holding real estate within this commonwealth; and that under these circumstances the title of the said Samuel Ashton, to the said tract of land is not free from doubt: And whereas it is just and reasonable that the alienism of the said William Playford, should not be taken advantage of by the state, as against a fair purchaser without notice: 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 the title of Samuel Ashton, of the county of Philadelphia, to the plantation or tract of land situate in Ridley township and county of Delaware, purchased by him the said Samuel from William Playford, an alien, be and the same is hereby, so far as regards any claim on the part of the state, confirmed and made sure; and that the said Samuel Ashton shall hold and enjoy the same as if the said William Playford had been before, and at the time of the said purchase, a citizen of the state of Pennsylvania.

Approved February 22, 1808. Recorded in L. B. No. 11, p. 185.

CHAPTER MMCMXXXII.

AN ACT TO ENABLE COMMISSIONERS TO CONVEY LOTS OF GROUND
IN THE TOWN OF FANETSBURG IN THE COUNTY OF FRANKLIN.

Whereas it has been represented to the legislature, that William M'Entire late of Metal township, in the county of Franklin, deceased, died, seized of a tract of land, situated in the said township and county, upon which he in his lifetime had laid out the town of Fanetsburg, and had contracted

for the sale of several lots therein, for which he had not made deeds of conveyance, and that several of the purchasers in pursuance of their contracts, have made valuable improvements on their respective lots; and it has been further represented that the sales of the said lots are not recognized in the last will and testament of the said M'Entire, and that one of his sons and devisees has long since left the country, and it is unknown where he is, and one other of his sons and devisees is in his minority, and also that there is not such written evidence of the sales of the said lots, as will, under the existing laws of this state, authorize the executors named in the last will and testament of him the said M'Entire, to make deeds of conveyance of the same, and vest legal titles in the respective purchasers thereof. And as these representations appear to be true, they consequently, present a just and proper case for the interposition of the legislature: 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 Archibald S. M'Cune, of the town of Fanetsburg, in the county of Franklin, James M'Curdy and John Walker, of the township of Metal, in the said county, be, and they are hereby appointed commissioners, who shall be and they are hereby authorized and required to procure one or more patents as may be found necessary from this commonwealth, in their own names, and in trust for the sons and devisees of William M'Entire, late of the township and county aforesaid, deceased, for such part of the tract of land as remains unpatented, of which he died seized, situated in the said township of Metal and county of Franklin, and the land officers are hereby directed and required to issue said patents, the expense of which shall be defrayed by the sons and devisees aforesaid, or by those claiming under them.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners or

any two of them, shall be and they are hereby authorized and required to make and execute deeds of conveyance, as well for those lots in the said town, which are situated on that part of the before mentioned tract of land, which was patented to William M'Entire in his lifetime, as for those which are situated on that part of the same, for which they are by this act to procure a patent in trust as aforesaid to the original purchasers thereof, or to those claiming under them, as the case may be; in all cases where the original purchasers or those claiming under them as aforesaid, shall produce a receipt for the whole or for part of the consideration money, signed by the said William M'Entire; and also in cases where it shall be made appear either by the heirs of the said M'Entire, or by those claiming under them, or by the claimants of lots respectively, to the satisfaction of the commissioners, or any two of them, by parol or other evidence, that the said William M'Entire, had in his lifetime contracted for their sale; and shall deliver the deeds of conveyance to the grantees respectively, upon their paying the consideration money and quit rents, which shall at the date of the deeds of conveyance respectively appear to be due on the respective lots, agreeably to the terms of the original contracts; and if any of the grantees shall neglect or refuse on the tender of their deeds of conveyance, respectively to pay the amount of the consideration money and quit rents which may appear to be due as aforesaid, the same shall be recovered by the commissioners or any two of them, as sums of equal amount, are or may be by law recoverable; and the said commissioners shall forthwith pay over the money which shall come into their hands by virtue of this act, to the heirs of the said M'Entire, agreeable to the tenor of his last will and testament, or to their respective guardians or assignees.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the several deeds of conveyance which shall be made in pursuance of this act, shall contain provisions for the securing as well as for the summary recovery of the quit rents, as they may from time to time

become due, and a separate and distinct statement of the consideration money (whether in whole or in part) that was paid to the said William M'Entire, for the lots respectively; and also of that which shall be paid to the commissioners; and the deeds being so made and executed and acknowledged and recorded according to law, shall be of the same force and effect to pass and vest the estate of, in and to the lots aforesaid, with the appurtenances in the respective grantees, (and also secure the payment and recovery of the quit rents, agreeably to the terms of the said deeds of conveyance,) as if the same had been executed and acknowledged to them by the said William M'Entire in his lifetime.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall previous to their entering on the duties required of them by this act, respectively take an oath or affirmation before some justice of the peace in the county of Franklin, "That they will perform their duties according to the best of their skill and ability, and not be influenced either by fear, favor, or affection, in the discharge of the same;" and they shall respectively be entitled to receive one dollar per day for their services, while necessarily employed therein, which shall be paid by the sons and devisees aforesaid, or those claiming under them; and if the commissioners or any of them, should refuse to serve or die before the objects of their appointment shall be completed, the court of quarter sessions of Franklin county, shall appoint one or more commissioners, who shall have the same power and authority, (after taking the oath or affirmation herein prescribed,) to carry this act into effect, as the commissioners herein named would have had: Provided, that if any person or persons interested, shall be dissatisfied with the decree of the commissioners touching the premises, he, she or they may appeal therefrom at any time within twenty days, after such decree, to the court of common pleas of Franklin county, and the verdict of a jury and judgment thereon shall be final.