

Be fully complied with, according to the true intent and meaning thereof, and of the law in that case made and provided.

JOHN GILMORE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junior,
Speaker of the Senate.

APPROVED—February the fifteenth, one thousand eight hundred and twenty-one.

JOSEPH HIESTER.

CHAPTER XXIX.

AN ACT

Authorising Margaret Messinger and Jacob Messinger, executors of Philip Messinger, deceased, to convey real estate therein mentioned.

WHEREAS it has been represented to the legislature that Philip Messinger, late of Forks township, in the county of Northampton, died seized of a messuage and two tracts of land, one of them situate in Forks township, in the county of Northampton, containing about eighty acres, be the same more or less, and the other of them situate in Plainfield township, and county aforesaid, containing about forty acres, be the same more or less, with their respective appurtenances, which he devised to his son Michael Messinger, who is a minor under the age of twenty-one years, under and subject to certain privileges in favor of the widow of the deceased, and subject also to the payment of five hundred pounds to his daughters Margaret and Rachael, at the time and in the manner in the said will particularly mentioned and set forth. And whereas there are no assets in the hands of the executors to pay the debts of the deceased, amounting to the sum of two thousand eight hundred and twenty-seven dollars, or thereabout.

Therefore,

SECT. 1. *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 Margaret Messinger and Jacob Messinger, executors of Philip Messinger, deceased, or the survivor of them, be, and they are hereby authorised and empowered to sell the*

whole, or such part of the real estate aforesaid at public sale, as shall be sufficient to pay the debts due by the testator at the time of his decease, and to discharge the expenses which may necessarily accrue in selling the same, giving at least ten days public notice of the time and place of sale in one or more of the newspapers published in Easton; and the said executors or the survivor of them, are hereby authorised to execute a conveyance or conveyances of all the right, title and interest which the said Philip Messinger had in the premises at the time of his decease, to the purchaser or purchasers thereof: *Provided*, That the said Margaret Messinger and Jacob Messinger, before they proceed to execute such conveyances, shall enter into recognizance in the orphans' court of the county of Northampton, with sufficient sureties to be approved of by the said court, conditioned that the duties mentioned in this act shall be faithfully performed, and that the proceeds of the sale hereby authorised, shall be applied to the payment and discharge of the debts of the testator in due course of law: *Provided also*, That nothing herein contained shall affect the legal rights of the creditors of the said deceased.

Executors authorised to sell real estate.

Authorised to execute a conveyance.

Proviso.

2d proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That on a settlement of the accounts of the executors in the orphans' court of the county of Northampton, in case of a sale of the whole or any part of the real estate aforesaid, the said court shall decree as to the just and equitable distribution of the proceeds thereof, after payment of debts, among the legatees and devisees named in the said will, according to the true intent and meaning thereof, and in the respective proportions therein directed.

In case of sale, court to decree as to the just and equitable distribution of the proceeds.

JOHN GILMORE, *Speaker*
of the *House of Representatives*.

WILLIAM MARKS, Junior,
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