

## CHAPTER XCV.

*A FURTHER SUPPLEMENT*

To the act, entitled "An act to enable executors and administrators by leave of the court to convey lands and tenements contracted for with their decedents, and for other purposes."

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 from and after the passing of this act, where any person or persons shall claim title to any lands and tenements within this Commonwealth, by virtue of any parol contract heretofore made or hereafter to be made, with any other person or persons who have contracted or shall hereafter contract, to convey such lands and tenements to him, her or them, or to any person or persons whom he, she or they may represent, where such contract shall have been so far in part executed as to render it unjust to rescind the same, and which contract shall not have been complied with in the lifetime of the person or persons who may have heretofore contracted or shall hereafter so contract, if no sufficient provision for the performance of such contract appears to have been made by the deceased in his, her or their lifetime, the person or persons claiming title as aforesaid under such parol contract, shall, before he, she or they bring any action or suit thereon against the executors or administrators of the deceased, cause and procure the said contract to be proved in the court of common pleas of the county where the lands and tenements contracted for lie; and to this end the person or persons claiming title as aforesaid, shall present to the said court a petition stating therein the terms of the contract under which he claims, when it was entered into, a description of the lands contracted for, the consideration and terms of payment, and how far the same shall have been in part executed and performed, together with such other facts and circumstances as may be requisite to give legal efficacy to the alleged contract, and praying the court to appoint a day certain for the examination of witnesses in support of the said contract. And if, upon the exhibition of such petition, the court shall be of opinion that the case therein disclosed doth not come within the meaning of the act of assembly, entitled "An act for the prevention of frauds and perjuries," passed the twenty-first day of March, Anno Domini one thousand seven hundred and seventy-two, they shall grant the prayer of the petitioner and award him subpoenas for his witnesses. And if upon the examination of the witnesses, the said court shall be satisfied of the truth of the facts stated in such petition, they shall ad-

Mode of proceeding to compel performance of parol contracts for lands, &c. by persons deceased.

Petition to be presented:

Its contents.

Subpoenas for witnesses to be granted.

Judgment of the court. shall judge the proof thereof so made in court to be sufficient, and shall direct such adjudication to be endorsed upon or annexed to the said petition, and certified by the prothonotary under his hand and seal of office; and thereupon the said petition, adjudication and certificate shall be recorded in the office for recording of deeds in the county where the lands contracted for are situated; and the said petition, adjudication and certificate, as well as a copy of the record thereof duly certified shall be evidence of the facts contained and set forth in the said petition, and the examination so taken shall be in writing and be filed among the records of the said court; and it shall and may be lawful for the executors or administrators of the deceased, or the survivor or survivors of them, to present a petition to the said courts respectively praying leave to make and execute a deed conveying to the purchaser or purchasers, his, her, or their heirs or assigns, the lands and tenements so contracted for, with the appurtenances for such estate, and in such manner and form as the said court shall adjudge to be consistent with the true intent and meaning of the contract; and the said court having considered the prayer of the petition and the contract or evidence thereof, and having adjudged the same to be obligatory between the parties, shall make an order authorising the said petitioner or petitioners to make, execute and deliver such conveyance as aforesaid, and the same being made, executed and delivered, and proved or acknowledged according to law, shall be of the same force and effect to pass and vest the estate intended of, and in the lands and tenements aforesaid with the appurtenances, as if the same had been executed and delivered, and acknowledged by the decedent or decedents in his, her or their lifetime: *Provided*, That no deed to be executed in pursuance of this act, shall discharge the land and tenements to be thereby conveyed from a lien of the consideration money due or to become due thereon.

Proceedings to be recorded in the office of the recorder of deeds. Copy made evidence. Executors, &c. authorised to petition. Order of the court thereon. Proviso. Remedy for the consideration money. Extension of former laws. Other executors, &c. included.

*SECT. 2. And be it further enacted by the authority aforesaid, That the remedy provided for executors or administrators of decedents by the second section of the act to which this is a further supplement, for enforcing the payment of the consideration money upon contracts mentioned in that act, shall be and it is hereby extended to the case of parol contracts mentioned in the preceding section.*

*SECT. 3. And be it further enacted by the authority aforesaid, That all actions or suits hereafter to be commenced or prosecuted against the executors or administrators of any decedent upon any parol contract entered into as aforesaid, shall be commenced and prosecuted, subject to all the provisions, restrictions and penalties contained in the third section of the act to which this is a further supplement; an executor of executors and administrators with the will annexed*

and de bonis non, shall be constructed to be within the provisions of this act.

WILLIAM DAVIDSON, *Speaker*  
of the *House of Representatives*.

ISAAC WEAVER,  
*Speaker of the Senate*.

APPROVED—the tenth day of March, one thousand eight hundred and eighteen.

WILLIAM FINDLAY.

## CHAPTER XCVI.

### *AN ACT*

For the relief of Henry Guthardt, and other old soldiers.

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 the State Treasurer be, and he is hereby authorized to pay to Henry Guthardt of Northumberland county, John Murphy and John McKinney of Bucks county, Thomas Anderson of Westmoreland county, Christian Hubbard of Philadelphia county, William Marks of Berks county, William McConnell of Armstrong county, Jacob Vangorder and William Russell of Beaver county, John Shook and Thomas McMullin of Northampton county, Charles Christman of Schuylkill county, John Dougherty of Somersent county, Jesse Grinding of Greene county, John Hardchy of Philadelphia county, Benjamin Lyon of Mifflin county, and John Keler of Lehigh county, or order, forty dollars each immediately after the passing of this act, and an annuity of forty dollars each during life, to be paid half yearly, to commence on the first day of January one thousand eight hundred and eighteen.

Payment and annuities to Henry Guthardt and others.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be, and he is hereby directed to pay to Thomas McMillin of Allegheny county, or his order, the sum of eighty dollars in full for his services and sufferings during the revolutionary war, and afterwards as a volunteer in several expeditions against the Indians to the north western parts of this state.

Gratuity to Thomas McMillin.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the State Treasurer be, and he is hereby directed