

No. 192.

AN ACT

Relative to real estate, and vesting the interest of this commonwealth in escheated estates, in certain persons therein named.

Certain authority given to orphans' court of Dauphin, relative to the estate of L. Wallouer.

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 orphans' court of Dauphin county, be and they are hereby authorised and empowered, upon the application of the executor, named in the last will and testament of Leonard Wallouer, late of said county, deceased; to issue their writ, directed to the sheriff of the county, to summon twelve good and lawful men of said county, to value and appraise the real estate of the said Leonard Wallouer, and make return of the same to the next orphans' court, as in other cases of intestates; and that the sheriff give notice to all the heirs interested in said estate, of the time of holding such valuation and appraisement; and after the sheriff has made his return of the aforesaid valuation and appraisement, notice shall be given to the sons of the testator, to come into court and take the said real estate at the said valuation, agreeably to the will of the testator.

Trustees of a certain congregation in Crawford co. may sell and convey a certain lot.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the trustees of Conneaut Lake Congregation, of the Presbyterian order, for the time being, or a majority of them, to sell and convey by good and sufficient deed or deeds of conveyance, the whole or so much as they deem proper, of a certain lot of ground, belonging to said congregation, on which their house of public worship stands, in the village of Evansburg, in the county of Crawford.

Estate of H. Hurst of Crawford. Two administrators may act.

SECT. 3. *And be it further enacted by the authority aforesaid,* That Isabella Hurst and Eliphalet Betts, two of the administrators of Henry Hurst, late of Crawford county, deceased, are hereby authorised to do and perform all and singular the acts, which they were authorised to do in conjunction with Ira A. Blossom, by virtue of an act, passed the twenty-seventh day of March, one thousand eight hundred and twenty-seven.

T. and W. M'Calmont guardians, authorised to convey certain land to P. Murray.

SECT. 4. *And be it further enacted by the authority aforesaid,* That Thomas M'Calmont and William M'Calmont, guardians of the persons and estates of Stewart McKee, Jane McKee and Thomas McKee, minor children of the late Thomas McKee, of the county of Centre, deceased, now residents of Wayne county, in the territory of Michigan, are hereby authorised and empowered to convey to Peter Murray, all the estate,

right, title and interest of the said Stewart McKee, Jane McKee and Thomas McKee, of and in a certain tract of land, situated in Walker township, Centre county, containing eighty-four acres, more or less; and full power and authority is hereby given to the said Thomas M'Calmont and William M'Calmont, to execute a deed or deeds for the said tract of land, in fee simple, to the said Peter Murray, his heirs or assigns: *Provided*, That before the receipt of the purchase money or any part thereof, the said Thomas and William M'Calmont, shall first give bond, with good security, to be approved of by the orphans' court of Centre county, to the commonwealth of Pennsylvania, for the use of the said minor children, in double the amount of the purchase money, conditioned for the faithful application of the purchase money to the maintenance and education of the said minor children, and the payment of the residue, if any, to the persons authorised to receive the same, on attaining at full age; and the said bond shall remain among the records of the orphans' court of said county of Centre.

Proviso.
Security for faithful application of purchase money.

SECT. 5. And be it further enacted by the authority aforesaid, That Daniel Christy, one of the guardians of Adam Shaffer, a lunatic, late of Beaver county, deceased, is hereby authorised by and with the consent and under the direction of the orphans' court of Beaver county, to convey all the right, title and interest of Adam Shaffer, a lunatic, deceased, in and to twenty-five acres of land, situate in said county, to John Shaffer, his heirs and assigns, according to the true intent and meaning of an article of agreement between the guardians of said lunatic and the said John Shaffer, for maintaining and providing said lunatic with sufficient meat, drink, washing and lodging during his natural life: *Provided*, That the court aforesaid, (before the deed is authorised to be made) shall be satisfied that the agreement between the guardians of Adam Shaffer and John Shaffer, was a fair and equitable one, and that the said John Shaffer performed all the covenants on his part.

Estate of Adam Shaffer, a lunatic.

Proviso.

SECT. 6. And be it further enacted by the authority aforesaid, That Jacob Oswald, Daniel Oswald, Benjamin Oswald, and Jacob Mosser, junior, guardians of the minor children of George Sittler, late of Lehigh county, deceased, be and they are hereby authorised and empowered, to sell the right, title and interest of the said minor children, in a certain undivided tract of land, situated in West Penn township, Schuylkill county, adjoining lands of John Kerschner, and others, containing about three hundred acres; and also convey the same to the purchaser or purchasers, in fee simple, by a deed or deeds, with the same effect as if the said minors were of full age, and had conveyed the same: *Provided*, That before the said Jacob Oswald, guardian of Polly; Daniel Oswald, guardian of Rebecca; Benjamin Oswald, guardian of Hetty, and

Guardians of minor children of Geo. Sittler may sell and convey 300 acres of land in Schuylkill co.

Proviso.
Surety to orphans' court of Lehigh.

Jacob Mosser, junior, guardian of Susanna and Solomon Sittler, shall make sale as aforesaid, they shall give bond in such sum, and with such sureties as the orphans' court of the county of Lehigh shall direct, conditioned for the faithful discharge of their duty, and proper application of the money arising from said sale: *And provided further*, That the sale of no part of said property shall be valid, until the same shall have been reported to, and approved of by the orphans' court, of said Lehigh county.

2d proviso.
Approval of
sale.

Trustees ap-
pointed to
take care of
estate of L.
Stewart of
Luzerne co.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the estate of Lazarus Stewart, of Luzerne county, real, personal and mixed, be and the same is hereby vested in Calvin Wadhams, Alexander Jameson, and Charles D. Shoemaker, and the survivors and survivor of them, it being represented that the said Lazarus, from imbecility of intellect, is wholly incapable of managing or taking care of his own concerns, and that the said Calvin Alexander, and Charles D. Shoemaker, trustees, and the survivors and survivor of them, be and they are hereby authorised, to collect in their own names or name, all debts and demands due to the said Lazarus Stewart, and what may not be necessary for the support and maintenance of the said Lazarus, to invest, with the approbation of the orphans' court of Luzerne county, in some productive fund, for the use of the said Lazarus Stewart, and with the approbation of said court, the said trustees, and the survivors and survivor of them, are hereby authorised to sell and convey all and any real estate, belonging to the said Lazarus, and invest the money in manner aforesaid; and it shall be the duty of the said trustees, and survivors and survivor, once in two years to file and account of their proceedings, with the clerk of the orphans' court of said county, and in case any person interested shall require it, the said trustees and the survivors and survivor, shall give such security, as the said orphans' court shall direct, or the trust hereby authorised, shall be vacated and declared null and void.

Biennial
statement to
orphans'
court.

Security to be
given.

George Bach-
man, trustee,
to convey part
of certain
property.

SECT. 8. *And be it further enacted by the authority aforesaid*, That George Bachman, trustee appointed by the court of common pleas of Northampton county, under the last will and testament of George Bachman, deceased, be, and he is hereby authorised, to grant and convey to the Lehigh coal and navigation company, so much of a certain tract of land, situate in Bethlehem township, in the county of Northampton, on the river Lehigh, adjoining lands now of Levi D. Bodder, John Freeman, and of the Lehigh coal and navigation company, containing ten acres eighty-seven perches, strict measure, as is contained in the survey made by the said company, and for the consideration heretofore agreed upon with the said company; and also to expose to sale, by public vendue or outcry, after giving due and public notice of the time and place of sale, the residue of the said tract,

To sell resi-
due.

being the balance of ten acres and eighty-seven perches, and sell the same in whole or in parcels, as shall be deemed most advisable, for the best price or prices, that shall be bidden for the same; and to convey the same to the purchaser or purchasers thereof, in fee: *Provided*, That before executing any such conveyance, the said George Bachman, the trustee, shall give security in such sum and in such manner, as the court of common pleas of Northampton county shall direct, for the faithful application of the proceeds of sale, in such manner as the said court shall think will best conform to the intention of the testator, George Bachman, deceased.

SECT. 9. *And be it further enacted by the authority aforesaid*, That Joseph M'Naughton, guardian of Mary Clouser, minor child of Jacob Clouser, late of Juniata township, Perry county, deceased, be, and he is hereby authorised, to sell and convey all the right, title and interest, of the said Mary Clouser, in a certain plantation, with the appurtenances, situate in Juniata township, in the county of Perry, bounded by lands of Philip Bosserman, Joseph Gaunt's heirs, Valentine Burrel, and others, containing one hundred acres, more or less: *Provided*, That before making sale of said tract of land, the said Joseph M'Naughton, guardian aforesaid, shall enter into bond or recognizance in the orphans' court of Perry county, in such sum as the said court shall direct, with one or more sureties, conditioned for the faithful application of the monies arising from the sale of said tract of land: *And provided also*, That before the sale of the said property shall be valid, it shall be approved of by the judges of said court.

SECT. 10. *And be it further enacted by the authority aforesaid*, That Cornelius Cortright, guardian of Louisa Cortright, and Cornelius Cortright and John Gore, junior, guardian of George Cortright and Hannah Cortright, minor children of John Cortright, late of Pittston, in the county of Luzerne, deceased, intestate, be and they are hereby authorised and empowered, to sell all the right, title and interest, of Louisa, Cornelius, George, and Hannah Cortright, minor children aforesaid, of, in, and to, a certain lot or piece of land, situated in the township of Pittston, in the county aforesaid, containing about fifty-eight acres, being part of lot No. one, in said township, and make return thereof to the orphans' court of Luzerne county; and on a confirmation of the sale by the said court, the said Cornelius Cortright and John Gore, junior, guardians, are hereby authorised to execute and acknowledge a deed of conveyance to the purchaser or purchasers, for said tract of land, with the appurtenances, in fee simple; but before such confirmation shall be made, the said guardians shall give security to the satisfaction of the orphans' court of said county, that they will invest

Proviso.
Security.

J. M'Naughton, guardian, authorised to sell interest of M. Clouser in certain estate.

Proviso.
Security and approval.

Guardians of minor children of J. Cortright to make a certain sale.

Security.

Investment
of proceeds.Biennial
statement.Orphans'
court to sup-
ply vacancies

Final account

in some productive fund, to be approved of by said court, so much of the proceeds of such sale, and the accruing interest, as may not be wanted for the maintenance and education of said children, and that they will, at the expiration of every two years, file an account of their proceedings with the clerk of the orphans' court of said county, and for the due and faithful execution of the trust hereby granted. And in case of the death of either or both of the said trustees, the orphans' court are hereby authorised to appoint another or others, whose powers, duties and restrictions, shall be the same as those hereby granted; and upon the arrival of the respective children to the age of twenty-one years, a final account shall be settled in said orphans' court, and the monies distributed, agreeably to the intestate laws of this commonwealth, and the trustees discharged as to such child or children.

Guardian of
children of J.
Patton, au-
thorised to
make certain
sale.Proviso.
Security and
approval.

SECT. 11. *And be it further enacted by the authority aforesaid,* That Joseph Patton, guardian, by appointment of the orphans' court of Washington county, of William, Joseph, Alexander, John, Samuel and Esther Patton, minor children of the said Joseph Patton, be and he is hereby authorised and empowered, to sell all the right and title of the above named minor children, in and to one hundred acres of land, more or less, situate in Franklin county, and to convey the same, by deed or deeds of conveyance, to the purchaser or purchasers, in fee, in as full and effectual a manner, as if the said minor children had respectively arrived at full age, and had executed the same: *Provided,* That before such sale be made Joseph Patton, guardian, as aforesaid, shall enter into bond and recognizance, in such sum and with such sufficient surety or sureties, before the orphans' court of Washington county, as said court shall direct, conditioned for the appropriation of the proceeds of sale according to law; and accounting for the same to the children respectively, as they arrive at full age: *And provided also,* That the sale shall be approved by the said court.

Right of com-
monwealth
by escheat to
estate of J.
Armstrong,
transferred.

Proviso.

2d proviso.

SECT. 12. *And be it further enacted by the authority aforesaid,* That all the right title and interest, which this commonwealth may have acquired by reason of an escheat, for the want of legal heirs of Julian Armstrong, late of Butler county, deceased, in or to the estate whereof she was possessed or entitled to, through and by her mother Sarah Wright, late of Butler county, deceased, be and the same is hereby granted to and vested in Samuel Wright, Margaret Stevenson, and Nancy Wright, of Butler township, Butler county, their heirs and assigns forever, with full power and authority, to possess themselves by all lawful ways and means whatsoever: *Provided,* That no other claim or right of this commonwealth, except what is derived by the said escheat, shall pass by this act: *Provided also,* That the grantees, their

heirs and assigns, in whom the estate mentioned in this act is vested, shall be subject nevertheless to the same tax or duty, as if the same had descended to them and their heirs from collateral relatives, under the provisions of the law relating to collateral inheritances, passed the seventh day of April, one thousand eight hundred and twenty-six. Collateral inheritance tax.

SECT. 13. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for Henry Stoneroad, guardian of John, Henry, Samuel, Susanna and Mary Ann Stoneroad, minor children of Thomas Stoneroad, late of Donegal township, Lancaster county, deceased, to make sale of an undivided sixth part of a tract of land, containing one hundred and fourteen acres and five perches, situate in Fermaugh township, Mifflin county, adjoining lands of James Sterns, John Gray, and others, and convey the estate of the said minors in the premises, by a good and sufficient deed of conveyance, to the purchaser or purchasers, with the same effect as if the said John, Henry, Samuel, Susanna and Mary Ann Stoneroad, had respectively attained the age of twenty one years, and had duly executed such conveyance or conveyances, in their own proper persons: *Provided,* That before the said Henry Stoneroad, shall make sale as aforesaid, he shall enter into a recognizance, with one or more sureties, before the orphans' court of Lancaster county, in such sum as the said court may direct, conditioned for the faithful discharge of his duty, and the proper application of the money arising from said sale: *And provided also,* That such sale shall not be valid, until the terms thereof shall be approved of by said court. H. Stoneroad, guardian, authorised to sell and convey certain property.
Proviso. Security to orphans' court.
Approval of sale.

SECT. 14. *And be it further enacted by the authority aforesaid,* That Peter Ihrie, junior, executor of the last will and testament of George Ihrie, late of the borough of Easton, in the county of Northampton, deceased, be and hereby is authorised and empowered to sell and convey all the right, title and interest which the said George Ihrie, deceased, at the time of his death had and held, in a tract or piece of land, situate in Plainfield township, Northampton county, adjoining lands of John Miller, Samuel Russel, Peter Deets, and others, containing about five acres more or less; and also the one equal undivided eighth part, which the said George Ihrie, purchased in his life time, of the real estate of which George Nolf, formerly of Forks township, Northampton county, died seized: *Provided,* The said Peter Ihrie, junior, before proceeding to make sale of the aforesaid real estate, shall give in the orphans' court, of the county of Northampton, such security as said court may require, that he will well and faithfully pay over the proceeds, of the sale or sales thereof, to such person or persons, as may by law be entitled to receive the same; and that such sale shall not be valid, until approved of by the court aforesaid. Executor of estate of Geo. Ihrie, authorised to sell and convey certain real estate.
Proviso. Security and approval of sale.

Commonwealth's claim to estate of Jane Easton, by escheat vested in Alexander Easton.

Proviso. Collateral inheritance law

SECT. 15. *And be it further enacted by the authority aforesaid,* That all the right, claim and interest which this commonwealth may have acquired, by reason of any escheat or supposed escheat, to the personal property of Jane Easton, from want of heirs to the said Jane Easton, or by reason of the said Jane Easton not disposing of the personal property bequeathed to her in the will of her father, Hector Easton, of Franklin county, shall be and the same is hereby vested in Alexander Easton, an illegitimate child of the said Jane Easton and his assigns: *Provided,* That no other claim of this commonwealth, except that derived from escheat or supposed escheats, shall pass by virtue of this act: *And provided further,* That this act shall not interfere with the rights of this commonwealth, under an act entitled "An act relative to collateral inheritances," passed the seventh April, one thousand eight hundred and twenty six.

J. Alexander, guardian of R. Arbuthnot authorised to sell and convey certain property.

Proviso. Father of minor to release.

2d proviso. Security.

SECT. 16. *And be it further enacted by the authority aforesaid,* That Joseph Alexander, guardian of Robert Arbuthnot, of Washington county, be and he is authorised to sell and convey all the right, title, interest and claim of the said Robert Arbuthnot, a minor, in and to a tract of land, situate in Buffalo township, Washington county, containing about seventy acres; and to execute a title thereto, as fully and effectually as if the said minor had arrived at the age of twenty-one years, and had executed the same: *Provided,* That before a title shall be executed as aforesaid, Robert Arbuthnot, father of said minor, shall release any interest which he may have as tenant by the curtesy: *And provided further,* That the said Joseph Alexander, guardian as aforesaid, shall enter into bond or recognizance, in such sum and with such sufficient surety or sureties, as the orphans' court of Washington county shall direct, for the proper execution of the power hereby granted, and the application and accounting for the proceeds of sale according to law: *And provided also,* That the sale shall be approved by the said court.

Approval of sale.

Sale of certain property of L. Hershner, a lunatic, authorised.

Proviso. Surety to court.

SECT. 17. *And be it further enacted by the authority aforesaid* That Henry Hershner, who is acting committee for the person and estate of Lawrence Hershner, of Shrewsbury township, York county, a lunatic, be and he is hereby authorised to sell and convey, at public or private sale, all the right and title of the said Lawrence Hershner, a lunatic, in and to fifty-two acres of land, more or less, situate in the township and county aforesaid, and to convey the same in fee, by a good and sufficient deed or deeds of conveyance, as fully and effectually as the said Lawrence could do were he of sound and disposing mind, memory and understanding: *Provided,* That before such sale is made the said Henry Hershner shall enter into bond, in the name of the commonwealth of Pennsylvania, in such sum and with such surety

as the court of common pleas of York county may direct, for the correct appropriation of and accounting for of the proceeds of sale according to law: *And provided also*, That the sale shall be approved by the said court.

Approval of sale.

SECT. 18. *And be it further enacted by the authority aforesaid*, That Robert P. Elder and Elizabeth Elder, guardians of the minor children of Robert Elder, late of Swatara township, in the county of Dauphin, be and they are hereby authorised and empowered to sell at public sale, all the right, title and interests of the minors of said Robert Elder, deceased, in and to a certain tract of land, situate in Armstrong county, containing three hundred and ten acres three quarters, and allowance, bounded by lands of James Alexander, by vacant land, by lands of Joseph Swift, junior, and by lands of John Swift and Andrew Bonner, and convey the same, in fee simple, by a deed, to the purchaser thereof; and

Certain sale authorised by guardians of minor children of R. Elder.

the monies arising from the sale thereof, to be by the said Robert P. Elder and Elizabeth Elder, guardians as aforesaid, applied to the improvement of a certain tract of land, situate in Swatara township aforesaid, (other property of said minors) and for the education and maintenance of said minors:

Appropriation of proceeds.

Provided, That before the said Robert P. Elder and Elizabeth Elder shall make said sale, they shall give bond, with such surety as shall be approved of by the orphans' court of Dauphin county, for the faithful discharge of the duties enjoined on them by this act, and the proper application of the money arising from said sale: *And provided also*, That the sale shall be approved by the said court.

Proviso. Security to orphans' court.

Approval.

SECT. 19. *And be it further enacted by the authority aforesaid*, That the escheated estate of Dennis Magee, late of Fayette county, deceased, whether real, personal, or mixed, be, and the same is hereby vested in Conrad Magee, his illegitimate son, with full power and authority to the said Conrad Magee to possess himself of the same, by all lawful ways and means whatsoever, as fully, to all intents and purposes, as if the same Conrad Magee had been born in lawful wedlock: *Provided*, That nothing in this act contained, shall be construed so as to affect any rights or claims, other than those of this commonwealth: *And provided further*, That nothing hereby enacted be so interpreted, so as to affect the operation of the act relative to collateral inheritances.

Escheated estate of D. Magee vested in his illegitimate son.

Proviso. Not to affect other claims.

SECT. 20. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, John Gibbs, junior, of the city of Philadelphia, and Susanna Gibbs, also of the said city, shall have and enjoy all and every the rights and privileges, demands and powers, whatsoever, of children born in lawful wedlock to John Gibbs, of the said city; and that they, and their several heirs, executors, and administrators, shall be able and capable in law, to take, hold, inherit, pass, and transmit, all and every estate, real and personal,

J. & S. Gibbs legitimized.

of whatever kind or nature soever the same may be, at the death of the said John Gibbs, the elder, or the death of any one of the said children, as fully and effectually, to all intents and purposes, in the same manner, as if they had been the children of the said John Gibbs, the elder, born in lawful wedlock: *Provided*, That nothing in this act contained, shall be construed to interfere with the rights of this commonwealth, under an act entitled, "An act relating to collateral inheritances," passed the seventh of April, one thousand eight hundred and twenty-six.

Proviso.
Collateral inheritance law.

G. Wise,
guardian of
minor children
of E.
Hufford, may
sell certain
property.

SECT. 21. *And be it further enacted by the authority aforesaid*, That George Wise, guardian of the minor children of Elizabeth Hufford, be, and he is authorised to sell, at public or private sale, as shall be most conducive to the interests of his wards, all the right and title which the said minor children of Elizabeth Hufford have, under the will of their grandfather, Mathew Russel, to a tract of land, situate in West Bethlehem township, Washington county, and to execute a deed or deeds of conveyance for the same, to the purchaser or purchasers, as fully and effectually as if the said minors had respectively arrived at full age, and had executed the same: *Provided*, That before sale is made as aforesaid, the said George Wise shall enter into bond or recognizance, in such sum, and with such sufficient surety or sureties, as the orphans' court of Washington county shall direct, conditioned for the proper appropriation of the proceeds of sale, according to law, and accounting for the same, together with interest, when the said minors shall respectively arrive at full age: *And provided also*, That the sale shall be approved by the said court.

Proviso.
Security to
orphans'
court.

Approval of
sale.

Preamble to
22d section.

WHEREAS, by the last will and testament of Joseph Pearce, Esq. late of Chester county, deceased, Jane Pearce, and Col. Cromwell Pearce, his executors, (after sundry other bequests) were authorised and directed to sell all the rest and residue of his estate, within two years after his death, and by a codicil to said will, were empowered to make all necessary deeds and conveyances for the same: *And whereas*, it has been represented to the legislature, that the said executors were unable to effect a sale within the period named in the said will: Therefore,

Sale of estate
of Joseph
Pearce.

SECT. 22. *And be it further enacted by the authority aforesaid*, That the said Jane Pearce and Cromwell Pearce, or the survivor, of them, be, and they are hereby authorised, to sell and dispose of the estate of the said Joseph Pearce, deceased, and to make good and effectual titles to the purchasers, in as full and ample a manner, as if the same had been sold agreeably to the directions, and within the time prescribed in the will of the said deceased.

SECT. 23. *And be it further enacted by the authority aforesaid*, That William Chadderton, of Bucks county, the na-

tural guardian of his minor children, Mary and Phoebe Chadderton, be, and he is hereby authorised and empowered to sell, at public or private sale, as may be most conducive to the interest of said minors, all the share or portion, right, title, interest and estate, of his said minor children, of, in, and to, all or any part of two certain tracts of land, situate in Northampton county, on the river Lehigh; one thereof on the west side of said river, at the mouth of Nesquehoning creek, containing one hundred and seventy acres, more or less, together with a small island near the mouth of said creek; and the other on the east side of said river Lehigh, opposite to the first aforesaid tract, containing one hundred and sixty-seven acres and a quarter, or thereabouts; and to convey the same, by good and sufficient instruments of writing, to the purchaser or purchasers thereof, in fee simple, as fully and effectually as if the said minors were of full age, and had conveyed the same: *Provided*, That before the said William Chadderton shall make sale as aforesaid, he shall enter into bond or recognizance, with one or more sureties, before the orphans' court of Northampton county, in such sum as said court may direct, conditioned for the faithful discharge of his duty, and the proper application of the money arising from any sale or sales, made in pursuance of the authority hereby given: *And provided also*, That the sale shall be approved by the said court.

W. Chadderton, as guardian, authorised to sell certain property.

Proviso. Security.

Approval of sale.

WHEREAS, by an act of assembly, passed the seventh day of April, A. D. one thousand eight hundred and thirty, Mary Brown, trustee for Melissa L. Moore, was authorised, by and with the consent of the said Melissa L. Moore, to let, on ground rent, forever, (under the restrictions of the said act of assembly mentioned) certain unimproved lots of ground in the county of Philadelphia, and also, to sell a part of the trust estate, to pay a certain mortgage debt due thereon; and the said Mary Brown, the trustee aforesaid, is since deceased, without having executed and performed the said trust, as confided to her by the said act of assembly, and it being doubtful whether a trustee hereafter appointed by the court, could legally execute and perform the said trust; for remedy therefor,

Preamble to 24th section.

SECT. 24. *And be it further enacted by the authority aforesaid*, That all the power and authority vested in the said Mary Brown, by the said act, is hereby vested in any trustee who may hereafter be appointed in the place of the said Mary Brown, deceased, by the supreme court for the eastern district of Pennsylvania, or by the district court for the city and county of Philadelphia, (pursuant to an act of assembly of this commonwealth, passed the fourteenth day of April, A. D. eighteen hundred and twenty-eight, entitled "An act to prevent the failure of trusts, to provide for the settlement

Appointment of trustees in lieu of Mary Brown, deceased.

Vested with same powers relative to property of M. L. Moore.

of accounts of trustees, and for other purposes;”) and that the said trustee, hereafter to be appointed as aforesaid, be, and he or she is hereby authorised to do, execute and perform, all acts and things which the said Mary Brown might or could have done, by virtue of the said act of assembly, and the said deed of trust. And that the said trustee hereafter to be appointed as aforesaid, be, and he or she is hereby authorised, by and with the consent of the said Melissa L. Moore, to sell and dispose of, and by good and sufficient deed or deeds, grant, convey, and assure to the purchaser or purchasers thereof, in fee simple, any part of the said trust estate, improved or unimproved, sufficient in value to raise a sum not exceeding two thousand five hundred dollars, and apply the money so raised to the payment of a certain mortgage debt of two thousand dollars, and its interest, to Clement Remington; which said mortgage debt is secured to him by a certain indenture of mortgage, dated the twenty seventh day of January, in the year of our Lord one thousand eight hundred and twenty-six, and recorded at Philadelphia, in mortgage book G W R, number five, page two hundred and one, &c. on premises situate at the south-east corner of Wood and John-streets, in the district of Spring Garden, and is a part of the said trust estate; also, to pay the expenses of paving the street in front of the unimproved part of the said trust estate, situate on Sixth-street, between Coates-street and Poplar-lane, and of paving and curbing the footway in front of the same premises; and also the expense of filling up the said lots of ground, to the lawful regulation of the district.

Escheated estate of P. Keller vested in executors of John May, Senior.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the title which this commonwealth may have acquired, by reason of an escheat, for want of heirs, of a certain Peter Keller, late of Colerain township, Bedford county, deceased, in and to the real and personal property whereof the said Peter died seized and possessed, is hereby vested in Leonard May and John May, executors of John May, senior, late of Bedford county, for the use and benefit of the heirs of John May, Esq. deceased, and their heirs: *Provided,* That said estate shall be subject to the tax imposed by the act relating to collateral inheritances, passed the seventh of April, one thousand eight hundred and twenty six.

Proviso. Collateral inheritance tax.

Administrator of estate of A. Miller, authorised to make a certain deed.

SECT. 26. *And be it further enacted by the authority aforesaid,* That Abraham Aurand, administrator of the estate of Andrew Miller, late of Buffalo township, in Union county, deceased, be, and he is hereby authorised to make, execute, and deliver a deed, in fee simple, to Catharine O'Brian, for a certain house and half lot of ground, situate in the town of Lewisburg, in Union county aforesaid, lying on the east side of Fourth-street, adjoining a lot of Charles Byers, and

others; which deed shall have the same effect as if the said Andrew Miller had made, executed, and delivered the same, in his life time: *Provided*, That the said administrator shall receive the whole, or the balance of purchase money, if any is due, to the estate of the intestate, before the deed is executed; for which the said administrator shall give security in the orphans' court of Union county.

Proviso.
Balance of
purchase
money.
Security.

SECT. 27. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for William M. Girr, guardian of Theodore Lindley, a minor, to make sale of the undivided interest of the said Theodore, (being one third part) in and to two tracts of land, situate in Pike run township, Washington county; one of which tracts adjoins lands of Samuel Allen, William Riggs, and others, containing one hundred acres more or less; the other adjoining lands of Allen Stockdale, Samuel Allen, and the Monongahela river, containing one hundred and five acres more or less, either entire or in parcels, as may be most conducive to the interests of said minor, and convey the estate of the said minor in the premises, by good and sufficient deed or deeds of conveyance to the purchaser or purchasers, with the same effect as if the said Theodore Lindley had attained the age of twenty-one years, and had duly executed such conveyance or conveyances in his own proper person: *Provided*, That before said William M. Girr shall make sale as aforesaid, he shall enter into bond on recognizance, with one or more sureties, before the orphans' court of Washington county, in such sum as said court shall direct, conditioned for the faithful discharge of his duty, and the proper application of the money arising from said sale: *And provided further*, That such sale shall not be valid until it shall be reported to and approved of by the orphans' court aforesaid.

W. M. Girr,
guardian of
T. Lindley,
authorised to
sell, &c. cer-
tain property.

Proviso.
Security.

Approval of
sale.

SECT. 28. *And be it further enacted by the authority aforesaid*, That Eleazar Carey, of the county of Luzerne, be and he is hereby authorised to sell and convey to Merrit Slocum, all the right, title and interest in a certain tract of land, situate in Pittston township, in said county, containing about forty-five acres more or less, adjoining lands of the Baltimore coal company, and others, which descended to Frances Slocum Carey, and Rhoda Sawyer Carey, minor children of the said Eleazar Carey and Frances Slocum Carey, his wife, now deceased, at the decease of their maternal aunt, Sarah Slocum; and the said Eleazar Carey is hereby vested with authority to execute a deed of conveyance, for the interest which the said minors hold in said tract of land, which conveyance shall be as good and sufficient in law and equity, as if the said minor children were of lawful age, and had executed the said deed of conveyance: *Provided*, That before the said deed of conveyance shall be rendered valid, the said Eleazar Carey shall invest the proceeds of said sale

Eleazar Carey
authorised to
sell and con-
vey certain
property.

Proviso.
Investment of
proceeds.

in the stock of the Wyoming bank, at Wilkesbarre, for the sole use, benefit and advantage of the said minor children, without the power or privilege of diverting the same to any other purpose: *And provided also*, That the said sale shall be approved by the orphans' court of said county.

Approval of sale.

Administrator of estate of P. Farrelly, may sell certain real estate.

Security to court of common pleas.

Proviso. Not to interfere with other rights. Approval of sale.

State Treasurer to refund in case of escheated estate of P. Hatzfield.

Bishop Kenrick empowered to sell and convey certain property in Huntingdon.

Proviso. Security to court of common pleas.

SECT. 29. *And be it further enacted by the authority aforesaid*, That David Derrickson, administrator of the estate of Patrick Farrelly, late of Meadville, Crawford county, Pennsylvania, Esquire, who died intestate, be and he is hereby authorised and empowered to sell so much of the real estate of which the intestate died seized, in the counties of Erie, Crawford and Venango, as may be deemed necessary for the payment of the debts of the said intestate: *Provided always*, That before the conveyance of the said administrator shall be sufficient to vest in a purchaser the title to the land sold, he shall give bond, with one or more sureties, to be approved of by the court of common pleas, of the county in which the land that may be sold shall be situate, in double the sum for which the land shall be sold, conditioned that the said administrator shall well and truly execute the trust reposed in him by virtue of this act, and pay over the money arising from the sale of the real estate according to law: *Provided further*, That nothing in this act shall be construed to interfere with the rights of creditors or others: *And provided also*, That the sale shall be approved by the said court.

SECT. 30. *And be it further enacted by the authority aforesaid*, That the State Treasurer be and he is hereby directed to pay to Jonas Yocum, of Berks county, the amount of money which was paid into the treasury on the fifteenth day of July, eighteen hundred and thirty, by H. W. Smith, deputy escheator, of Berks county, on account of the escheated estate of Polly Hatzfield, late of the said county, deceased.

SECT. 31. *And be it further enacted by the authority aforesaid*, That Francis Patrick Kenrick, acting Roman Catholic bishop, in the diocese of Philadelphia, or his lawfully constituted attorney, be and he is hereby empowered to sell and convey, by deed, in fee simple, two certain lots of ground, situate in the borough of Huntingdon, designated in the general plan of said borough, by numbers one hundred and seventy-four, and one hundred and seventy-five, which said conveyance shall be good and available in law and equity, to vest in the purchaser or purchasers all the interest, legal and equitable in the said lots of ground, which is now held in trust for the use of the Roman Catholic congregation, in and about the borough of Huntingdon: *Provided*, That before the said Francis Patrick Kenrick, or his lawfully constituted attorney shall effect a sale of the lots of ground aforesaid, he shall give good and sufficient security in the court of common pleas of Huntingdon county, conditioned that he will apply the proceeds of sale towards the discharge of the debt incurred by the said society in the purchase of other lots of ground, and erecting a church thereon.

SECT. 32. *And be it further enacted by the authority aforesaid,* That Thomas Kerr, Francis Boggs, and John Knox, Commissioners of Mifflin county, and the successors in office of any or all of them, are hereby authorised to sell and convey the jail of said county, and the lot of ground on which it stands, with all and singular the appurtenances thereunto belonging, at public or private sale, as they or a majority of them may think most advisable: *Provided,* That the proceeds of the sale so as aforesaid to be made, shall be paid by the purchaser to the treasurer of said county, for the time being, to be applied by him to county purposes: *And provided also,* That the said treasurer and sureties shall be held liable to the county, on their bond, as in other cases.

Commissioners of Mifflin county, authorised to sell jail and lot.

Proviso.
Proceeds to county purposes.
2d proviso.

SECT. 33. *And be it further enacted by the authority aforesaid,* That all the estate, right, title, interest, claim and demand, legal or equitable, of Thomas Billington, the elder, of Philadelphia, in his life time, in and to any lands, tenements and hereditaments in Pennsylvania, which upon his decease descended to, and is now owned or possessed by his heirs, or to which the said heirs have the right of possession or property, according to the intestate laws of this commonwealth, shall be, and is hereby declared to be vested in Henry Billington, of Philadelphia, his heirs and assigns forever, to have and to hold all and singular, the said estate, right, title, interest, claim and demand, legal and equitable as aforesaid, unto him the said Henry Billington, his heirs and assigns, to and upon this special trust and confidence, nevertheless, and to this end and purpose, to wit: That he, the said Henry Billington, his heirs or assigns shall sell and dispose of, any and all of the said estate, at any time and in any manner, he or they may deem expedient, for the best price which may reasonably be obtained for the same, and execute and deliver to the purchaser or purchasers, good and sufficient conveyance and assurance in the law for the same, and to his, her or their heirs or assigns, and to the same end and purpose, and in his or their own names, but to the uses following: he or they shall and may use any and every lawful means, for the recovery of the possession or property, of any and every part of the said estate, which he the said Henry Billington, his heirs or assigns, may in his or their discretion judge proper, and that he shall apply the proceeds of the said sales, in the first place to defray the reasonable expenses of the execution of this trust, and the balance to divide among the said heirs, and legal representatives of the said Thomas Billington, the elder, their executors, administrators or assigns, in shares equal and according, to their respective legal interests in the said property: *Provided nevertheless,* That nothing in this section contained, shall confer any power whatsoever, upon the said Henry Billington, until he shall have given bond, with full and ample security, to the satisfaction of the

Estate of Thomas, vested in Henry Billington.

Sale.

Conveyance

Application of proceeds.

Proviso.
Security to court of common pleas.

Specification under oath to be filed.

judges of the court of common pleas, of the city and county of Philadelphia, conditioned for the faithful performance, and due execution of all and every act or acts herein contained, and the just indemnity of all and every party therein interested: *And provided also*, That he shall have filed, upon oath or affirmation, a specification of the estate mentioned, or intended to be embraced by this act, in the office of the prothonotary of the said court, which shall be satisfactory to the judges thereof.

J. Stayman, guardian of minor children of O. Evans, authorised to sell and convey certain property.

SECT. 34. *And be it further enacted by the authority aforesaid*, That Joseph Stayman, guardian of the minor children of Owen Evans, late of Cumberland county, deceased, be and he is hereby authorised to sell at public or private sale, the right, title and interest of the said minor children, in and to a certain tract of land, containing twenty acres, be the same more or less, situate in Dickinson township, county aforesaid, adjoining lands of the heirs of Nicholas Horting, and others, belonging to the heirs of the said Owen Evans, deceased, and to execute a deed to the purchaser thereof, for such right, title and interest, as the said minor children have therein: *Provided however*, That before any such sale shall be valid, it shall be approved of by the orphans' court of Cumberland county, and the said Joseph Stayman, shall give security, to be approved of by the said court, for the faithful appropriation of the proceeds of the said sale according to law.

Proviso. Approval of sale.

Guardians of minor children of John Laughlin authorised to sell and convey a certain tract of land.

SECT. 35. *And be it further enacted by the authority aforesaid*. That Joshua Marlin, of Indiana county, and James McCahan, of Huntingdon county, guardians of the minor children of John Laughlin, late of Indiana county, be and they are hereby authorised and empowered to sell at public or private sale, and convey and make title, as shall be most conducive to the interest of the minor children aforesaid, all the right title and interest in and to a certain tract of land, No. 5844, situate in Armstrong county, containing four hundred and forty acres and seventy four perches, and allowance of six per cent. for roads, belonging to the minor children of John Laughlin, deceased, aforesaid: *Provided*, That before Joshua Marlin, and James McCahan, guardians aforesaid, make sale, they shall give bond, with such sureties as shall be approved of by the orphans' court of Indiana county, for the faithful discharge of the duties enjoined on them by this act, and proper application of the money arising from said sale, which sale shall be approved by said court.

Proviso. Security.

Approval of sale.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.