

No. 61.

An Act

For the conveyance of certain Real Estate, and for other purposes.

SECTION 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 Daniel Focht and Daniel A. Bartolett,

Trustees au-
thorized to
sell the land.

trustees of Peter Focht, under the last will and testament of George Focht, late of Oley township in the county of Berks, deceased, be, and they or the survivor of them, are hereby authorized and empowered, upon reasonable notice, to sell a certain tract or piece of land, situated in said county of Berks, containing one hundred and one acres and one hundred and thirty-seven perches, and which said tract of land was allotted and assigned to the said Peter Focht, the rents, issue and profits thereof, to be received and enjoyed by him during his life, in pursuance of certain proceedings had in the court of Common Pleas of said county, and agreeably to the provisions of said last will, and to convey to the purchaser or purchasers all the right, title and interest which the said testator had in the premises at and immediately before his death: *Provided,* That the said trustees, before making such sale, shall enter into recognizance before the Orphan's court of said county, in such sum as the said court may direct, conditioned for the faithful application, according to the terms and provisions of said last will and testament, of the proceeds of such sale, under the directions of the said court: *And provided further,* That before such sale be made, the written consent of all persons interested in the said land, if of age, and of the guardians of those under age, be obtained, and filed in the office of the clerk of the Orphans' court.

Proviso.

2d Proviso.

SECTION 2. That it shall and may be lawful to and for John Stille, junior, under the marriage settlement of Elizabeth H. Walsh, (late Elizabeth H. Stocker, and relict of Anthony Stocker, deceased,) to cut down and sell so much of the wood and timber, on the woodland assigned to the share of the said Anthony, in the partition of the estate of the late John Clemments Stoker, deceased, (father of the said Anthony) and Mary Catharine his wife, as may be cut without injury to the said land, and the monies therefrom arising, to invest under the order of the Orphan's court for the city and county of Philadelphia, in such securities as the said court shall approve; and the income and interest of the said monies so invested, shall be received by the said trustee

Stocker
family.

Certain parts
of their wood
and timber
to be cut and
sold, and the
money vested

during the lifetime of the said Elizabeth H. Walsh, for the uses and trusts of the said marriage settlement, and the said principal monies so invested shall, upon the decease of the said Elizabeth H. Walsh, descend and go to the devisees under the last will and testament of the said Anthony Stocker.

SECTION 3. It shall and may be lawful to and for Caroline line Stocker, widow of John Clemments Stocker the younger, deceased, to cut down and sell so much of the wood and timber, on the woodland of the real estate of the said John Clemments Stocker the younger, as may be cut without injury to the same, and to invest the monies arising from the sales thereof, under the directions of the said the Orphan's court for the city and county of Philadelphia, in such securities as the said court shall approve; and the interest and income of the said monies so invested, shall be received by the said Caroline during her life, and the principal of the same, after her decease, shall go and descend according to the provisions of the last will and testament of the said John Clemments Stocker the younger.

SECTION 4. It shall and may be lawful to and for the said Caroline Stocker to sell and dispose of, or to let out on ground rent, any of the unproductive real estate of her said deceased husband, within this commonwealth, as fully as if the fee simple thereof were vested in herself individually; and the proceeds thereof arising from the sale of the same, or any part thereof, to invest, under the orders of said court; the said principal monies to go and descend upon her decease; according to the provisions of the last will and testament of the said John Clemments Stocker the younger.

SECTION 5. That the title of Jacob J. Cope and John Cope, to the estate of Godfrey G. Cope, late of the county of Philadelphia, deceased, under proceedings in partition in the District court for the city and county of Philadelphia, instituted to December term, one thousand eight hundred and thirty, number two hundred and sixty-six, be, and the same is hereby confirmed and made valid: *Provided*, That the shares or portions of the said estate remaining in contingency, under the last will and testament of the said Godfrey G. Cope, shall be secured by mortgage or otherwise, to the satisfaction of the Orphan's court for the city and county of Philadelphia, to inure or be enjoyed according to the provisions of the said last will and testament.

SECTION 6. That David Hay, James Moss, and John Lindsay, trustees for a certain piece or lot of ground situate in the township of Mount Pleasant, Washington county, Pennsylvania, adjoining lands of William Neilson and Thomas Milligan, and conveyed by the said Thomas Milligan and wife to the above named trustees, containing forty-six perches, strict measure, be and they are hereby authorized to sell and convey said lot of ground above described: *Provided*

always, That the said trustees shall apply the proceeds of said sale to liquidate all debts against said lots, and expenses of sales, and all or any balance after payments aforesaid, to be applied to the two nearest schools erected under the late law for common schools; to be equally divided between the same.

The guardian of S. Bennet, authorized to sell a certain real estate in Luzerne county

SECTION 7. That John Espy, guardian of Samuel Bennet, and heir at law of Thomas Bennet, deceased, late of Luzerne county, is hereby authorized and empowered to sell, at public or private sale, and convey by deed or deeds, in fee simple, all the right, title and interest of the said minor, Samuel Bennet, being the one undivided half of two lots,

containing each one acre of land; also, the one undivided half of thirty-six town lots, in the plot of the village of Nanticoke, as designated in the original town plot, containing together, fifteen acres, one hundred and fifty-two and seven-

Proviso.

tenths perches of land, more or less, situated and being in Hanover township, Luzerne county: *Provided*, That before the said John Espy shall execute any deed or deeds for the same to the purchaser or purchasers, he shall give bond, in such sum and with such sureties as the Orphans' court of said county shall direct, conditioned for the faithful discharge of his duty, and proper application of the money arising from

2d Proviso.

said sale: *And provided further*, That the sale of said property shall not be valid until the same shall have been reported to and approved by the Orphans' court of said county.

D. Hunter, & H. Rankin authorized to sell certain real estate in Bedford co.

SECTION 8. That David Hunter and Hugh Rankin be, and they are hereby authorized and empowered to sell and convey the two-thirds of an undivided tract of land, situate in Air township, Belfast county; also, the two-thirds of another tract of land, situate in Bedford township, Bedford county; and also, the two-thirds of four unimproved lots of ground, situate in the town of M'Connellsburg, Bedford county, late the property of Samuel Bechtel, now deceased,

and to convey the same in fee simple, or to give such title as the testator may have had thereto, to the purchaser or purchasers thereof; they, the said David Hunter and Hugh Rankin, before proceeding to the sale thereof, shall enter into recognizance, with sufficient security, to be approved of by the Orphan's court of Bedford county, for the faithful application of the monies arising from said sale, agreeably to the terms and tenor of the will of said testator, and

under the direction of the Orphans' court.

The Gideonite society of Philadelphia, confirmed in the title of certain real estate.

SECTION 9. That "The Gideonite society of Philadelphia," their successors and assigns, be and they are hereby confirmed in the title of certain real estate in the city of Philadelphia, consisting of all those three adjoining three story brick messuages or tenements, and lots or pieces of ground thereto belonging, situate on the east side of Twelfth

street, between High and Filbert streets, beginning at the distance of one hundred and nineteen feet northward from the north side of High street, and containing altogether in breadth, north and south, fifty-one feet, and extending in depth eastward, fifty-three feet, and being the same premises which James Lloyd and wife, by indenture dated the thirty-first day of December, Anno Domini, one thousand eight hundred and thirty-three, granted and conveyed unto the said "The Gideonite society of Philadelphia," in fee, to the intent and so far forth that the said title shall at no time hereafter be questioned by, or on behalf, or in the name of this commonwealth, for or by reason of any defect or alledged defect of power in the said "The Gideonite society of Philadelphia," to purchase, hold or convey the said real estate; and that the said "The Gideonite Society of Philadelphia," and their successors and assigns, shall hold the said real estate, and may dispose of the same, with the like effect as if the said "The Gideonite society of Philadelphia" had been authorized by law to purchase, hold and convey the same: *Provided however,* That nothing contained in this act shall authorize said society to purchase any estate except that mentioned aforesaid. Proviso.

SECTION 10. That John Craig and William Taylor, Guardians of the minor children of William Craig, deceased, be and William and they are hereby authorized to sell, at public sale or private sale, as to them shall seem most expedient, all the right, title, interest and claim which said deceased at the time of his death had in and to a certain piece of ground, containing five acres, situate in the town of New Alexandria, in Westmoreland county, with a stone merchant mill, saw mill and dwelling house thereon erected, or such part or piece thereof as they shall think advisable, and to convey the same, either in whole or in parcels, to the purchaser or purchasers thereof: *Provided,* That before the execution of the deed or deeds for the premises, the said guardians shall give bond, with such security as the Orphan's court of Westmoreland county will approve, conditioned for the faithful application and distribution of the proceeds of the sale, as the said Orphan's court shall order and direct. John Taylor and William Craig, guardians, etc., authorized to sell certain real estate in Westmoreland county.

SECTION 11. That it shall and may be lawful for Charles J. Sutter, Michael Baker and Isaac Wampole, executors and trustees named in the last will and testament of Daniel Sutter, late of the city of Philadelphia, merchant, deceased, or any or either of them, or the survivors or survivor of them, under the directions of the Orphan's court for the city and county of Philadelphia, to whom full power and authority are given in the case, to make distribution of the balance of the residue of said estate of said Daniel Sutter, deceased, and of the increase thereof over and above the sum of fifteen hundred dollars, to and among the right heirs of said The executors and trustees of Dan'l Sutter, late of Philadelphia, authorized to distribute a certain balance of his estate, etc.

Daniel Sutter, in the same manner as if the trusts referred to in the residuary bequest in said will were concluded; and that said sum of fifteen hundred dollars shall be reserved for the purposes contemplated by the testator in the bequest of the residue of his estate, agreeably to the provisions and directions of said will.

The executors & trustees of Rob't. Blackwell, late of Phila. authorized to sell certain property.

SECTION 12. That James S. Smith and Henry Hollingsworth, executors and trustees named in the last will and testament of Robert Blackwell, late of the city of Philadelphia, deceased, be, and they are hereby authorized to sell, by public or private sale, or to let on ground rent, the whole or any part or parts of certain property, owned by the said Robert Blackwell, situate at the intersection of Federal and Broad streets, and lying on the north and south sides of Federal street, and on the east and west sides of Broad street, in the township of Moyamensing, and county of Philadelphia, and to make and execute to the purchaser or purchasers thereof, a good and sufficient deed or deeds of conveyance and assurance in the law, for the same, which conveyance and assurance shall vest in such purchaser or purchasers, all the estate, right, title and interest in law and equity, which the said Robert Blackwell at and immediately before his death had and held in the same, as fully and completely, and with like effect, as if the said conveyance and assurance had been made and executed by the said Robert Blackwell in his life time; and that the moneys arising from such sale, be appropriated by the said executors and trustees, agreeably to the intention and meaning of the said Robert Blackwell, deceased, as expressed in his last will and testament, with respect to his residuary estate.

Said ex'rs. & trustees to give security.

SECTION 13. Before the said executors and trustees shall proceed to make such sale, they shall give security in the Orphans' court for the city and county of Philadelphia, in such manner and in such sum as the said court shall order and direct, for the faithful execution of the power hereby committed to them, and for the proper and faithful application of the proceeds of the sale of the real estate hereby authorized to be sold.

Halifax School district in Dauphin county, to be paid \$80 06½—a state appropriation.

SECTION 14. That the Halifax school district in the county of Dauphin, be entitled to a state appropriation of eighty dollars and six cents and one-half, and that the State Treasurer be, and hereby is directed to pay to the directors of the common schools in said district, for the use thereof, said sum, on their application therefor.

Releasing to J. Miles, the title of commonwealth to a tract of land.

SECTION 15. That the title of this commonwealth to a tract of one hundred and nine acres and one hundred and twenty-nine perches of land, situate on the Hopbottom creek in the township of Brooklyn, in the county of Susquehanna, claimed by Joshua Miles, and upon which he now resides, be and the same is hereby released to the said Miles, and the

Secretary of the Land Office, upon payment of the unpaid purchase money, if any, and the fees of office, is hereby required to issue a patent to the said Miles for the above described tract of land: *Provided*, That nothing in this act shall be taken *Proviso*. to affect the right and title of any other person.

SECTION 16. That William Maxwell, guardian of Eliza- W. Maxwell, beth Speer Huston, minor child of Sarah B. Huston, late of guardian of Franklin county, deceased, shall have power to sell all the S. B. Huston, right, title and interest of the said Elizabeth Speer Huston, &c. authorized to sell as one of the heirs of William Buchanan, late of said county, certain land deceased, in and to a certain tract of land, situated in Salem in West- township, county of Westmoreland, containing three hundred and seventy-five acres and thirty perches, and allow- moreland county. ance, adjoining lands of John Rudolph, Philip Walter and others, and to execute such deed or deeds as may be necessary to convey the said interest, to all intents and purposes, and with like effect as if the said minor were of full age, and had sold and conveyed the same herself: *Provided*, That before the said William Maxwell shall *Proviso*. execute any deed or deeds for the same to the purchaser or Guardian to purchasers, he shall give bond, in such sum and with such give bond sureties as shall be approved of by the Orphans' court of the with sure- county in which the said land is situated, conditioned for ties. the faithful discharge of his duty, and the proper application of the money arising from said sale: *And provided* 2d *Proviso*. *further*, That the sale of said property shall not be valid until the same shall have been reported to and approved of by the Orphans' court of said county.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.