

## No. 41.

**An Act**

To empower the Orphans' court for the city and county of Philadelphia to make partition of certain real estate among the devisees of Francis Gurney, and for the sale of certain other real estate, and for other purposes.

Preamble.

WHEREAS, the widow and devisees of Francis Gurney, late of the city of Philadelphia, deceased, have represented to the general assembly that the said Francis Gurney died seized of certain real estate, situate in the township of Moyamensing, in the county of Philadelphia, which he devised to his widow for life, and after her decease, to be equally divided among his children and their heirs; and the said widow and devisees have further represented, that the said estate is now very unproductive, not yielding a rent sufficient to pay the taxes on said property, that considerable expense has already been incurred for curbing and paving, and that a large sum of money will yet be required to pay for curbing and paving, which will very soon have to be done; and *whereas*, the said widow and devisees have prayed the general assembly to authorize partition of the said property to be made: Therefore,

Francis Gurney's real estate may be partitioned.

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 the Orphans' court for the city and county of Philadelphia be, and the said court is hereby authorized and empowered to make partition of the real estate of the late Francis Gurney, situate in the township of Moyamensing and county of Philadelphia, among his devisees, in the same manner as if his widow, Mary Gurney, were now deceased.

Charles A. Poulson authorized to sell his part of the estate.

SECTION 2. That Charles A. Poulson be, and he hereby is fully authorized and empowered to bargain and sell, from time to time, such part or parts of the said real estate as may be allotted and assigned to the said Charles A. Poulson for life, and to his son; the said Charles A. Poulson the younger, in fee, after the death of his father, or to grant and convey the said estate on ground rent, reserving the said rent to the said Charles A. Poulson for life, and after his death, to the said Charles A. Poulson the younger, his heirs and assigns, in fee: *Provided always, nevertheless,* That the said sales,

Proviso.

grants and conveyances, shall be subject to the approval of the said court: *And provided further*, That the principal 21 Proviso. which may be received from such sales, except such part thereof as in the opinion of the said court, shall be necessary to pay for curbing, paving, and other necessary expenses on said property, shall be invested in such manner as the said court shall approve, so that the same will be secured to the said Charles A. Poulson the younger, his executors or administrators, at the death of his father, the said Charles A. Poulson.

SECTION 3. That Hosea J. Levis, trustee of Sophia H. E. Ash, under a deed of trust, duly appointed by the District court for the city and county of Philadelphia, in the room of trustees since the date thereof deceased and resigned, is hereby authorized to sell at public or private sale, as to him shall seem most conducive to the interest of said estate, a certain three story brick house and lot of ground, situate on the east side of Delaware Fourth street, at the distance of ninety-eight feet from Tammany street, in the Northern Liberties, in the county of Philadelphia, containing in front on said Fourth street twenty-nine feet three inches and three-eighths of an inch, and one hundred and eight feet in depth, between parallel lines, which Edmund Shotwell and wife, by indenture duly recorded, granted and conveyed to the said Hosea J. Levis, in fee simple, in trust for the said Sophia H. E. Ash, or such part of said lot as he shall think advisable, and convey the same, either in whole or in parcels, to the purchaser or purchasers thereof, in fee simple.

Hosea J. Levis, trustee of Sophia H. E. Ash, authorized to sell certain real estate.

SECTION 4. The surviving trustee in whom is, or may hereafter be vested the legal estate of the proprietary ground rents issuing out of lots in the city of Lancaster, be, and he is hereby authorized and empowered to release and extinguish the whole or any part of said rents, and in all cases where the original lots have been divided or subdivided, and the respective rents apportioned, the release and extinguishments of parts shall in no case operate to prejudice the rights to recover the residue of the rents so apportioned and issuing from other parts of said lots, but the same shall be and remain subject to the sums due, and to become due, according to the remedies provided in the original deeds.

Lancaster ground rents.

SECTION 5. That William Vonderau and John Radebaugh, or their successors, guardians and trustees of Jacob Vonderau of Franklin county, be, and they are hereby authorized, with the approbation of the court of Common Pleas of said county, to invest in real estate so much of the moneys arising from the sale of the plantation of the said Jacob Vonderau, as shall

Jacob Vonderau's estate.

be deemed expedient and most for the interest of the said Jacob Vonderau and his family.

**Henry Leech, trustee of C. & E. Supplee, authorized to sell certain real estate.**

**Proviso.**

**2d Proviso.**

**3d Proviso.**

**4th Proviso.**

**SECTION 6.** Henry Leech, trustee of Charles and Elizabeth Supplee, be, and he is hereby authorized and empowered to sell and dispose of, at public or private sale, a certain lot of land in the township of Roxborough, in the county of Philadelphia, containing four acres two quarters and fifteen perches of land, more or less, particularly described in a certain indenture from James Kershaw to Israel Supplee, dated the seventeenth day of April, Anno Domini, one thousand eight hundred and twenty-four, and to make good and sufficient deeds of conveyance therefor, in fee simple: *Provided*, That the whole proceeds of such sale shall be invested in other real estate, and the investment held by the said trustee, upon the same trusts as set forth in the indenture aforesaid: *Provided*, That the Orphans' court of Philadelphia county approve thereof, and that the consent of Charles Supplee and Elizabeth Supplee, cestui que trusts, named in the said indenture, be given to such sale, in writing, to be acknowledged as deeds of feme converts are by law directed to be acknowledged: *And provided further*, That the same shall be taken and held by the purchaser, discharged from the trusts aforesaid, and without any liability as to the application of the purchase money: *And provided also*, That the whole proceeds of the sale be invested in other real estate, by the said Henry Leech, trustee upon the said trusts set forth in the indenture aforesaid, and that until such investment be made, and before said sale shall take place, the said Henry Leech shall enter into a recognizance in the Orphans' court for the county of Philadelphia, with such surety as shall be approved of by said court, conditioned for the faithful appropriation of the money arising from said sale.

**Executrices of Richard J. Marley, authorized to sell certain real estate.**

**SECTION 7.** Rosanna Marley and Mary Ann Millman, late Mary Ann Marley, they, the said Rosanna and Mary Ann, being the surviving daughters and executrices of the will of Richard J. Marley, deceased, be, and they are hereby authorized to sell by public vendue, on reasonable notice, a certain strip or piece of ground, situate on the west side of Broad street, at the distance of ninety-two feet northward from Walnut street, in the city of Philadelphia, containing in breadth north and south eight feet, and in length ninety-six feet, bounded on the north by Jefferson Avenue, lately ordered to be opened for public use, (being part of a lot forty-four feet in breadth by ninety-six feet in depth, which John H. Brinton, by indenture dated the thirty-first day of August, Anno Domini, one thousand eight hundred and three, recorded at Philadelphia, in Deed Book E. F. No. 31, page

340, granted to the said Richard J. Marley in fee, reserving thereout a yearly rent charge of seventy-three dollars and thirty three cents,) and to make and execute to the purchaser or purchasers thereof, his, her, or their heirs and assigns forever, a good and sufficient deed or deeds of conveyance of and for the same, which conveyance or conveyances, shall vest in such purchaser or purchasers all the estate, right, title and interest in law and in equity, of and in said piece of ground, which the said Richard J. Marley, at and immediately before his decease, had and held in the same, without any liability on the part of such purchaser or purchasers, to see to the application of the purchase money, and that the moneys that may arise by such sale or sales, shall be by them, the said executrixes, applied agreeably to the true intent and meaning of the will of the said Richard J. Marley: *Provided*, That the said surviving executrixes shall, before they receive any part of the purchase money of the premises, file a bond, with good security, to be first approved by the judges of the Orphans' court of Philadelphia county, conditioned for the due application of the purchase money, agreeably to the will of the said testator. Proviso.

WHEREAS, it has been represented to the legislature that Hugh Brotherton and Jacob Grove, guardians and trustees of Samuel Thompson, of St. Thomas township, in the county of Franklin, were authorized, by an act of assembly entitled "An act to enable the guardians and trustees of Samuel Thompson to dispose of his real estate," passed the thirteenth day of March, Anno Domini, one thousand eight hundred and twenty-three, and afterwards by another act, entitled "An act to enable John Christ to exchange certain real estate, and for other purposes," passed the eighth day of April, Anno Domini, one thousand eight hundred and thirty-three, Jacob Grove, as surviving guardian of said Samuel Thompson, was authorized to sell certain real estate: *And whereas*, the said Brotherton and Grove are now both dead, and no disposition of said real estate made, agreeably to the acts of assembly above recited; Therefore, Preamble relative to Samuel Thompson's estate.

SECTION 8. John Radebaugh and John Thompson, guardians and trustees of Samuel Thompson, of St. Thomas township, in the county of Franklin, be, and are hereby authorized and empowered to sell at public vendue or outcry, on reasonable notice, and convey all the real estate of said Samuel Thompson, wheresoever situated, in such manner, and on such terms and conditions as to them may appear just and reasonable: *Provided*, That before they make sale, the said trustees shall give a bond in the name of the commonwealth, in such sum as the court of Common Pleas of John Radebaugh and John Thompson, guardians & trustees, authorized to sell. Proviso.

the said county shall direct, to be filed in the office of the prothonotary, for the use of the parties interested.

SECTION 9. It shall and may be lawful for the said guardians and trustees, after having sold, as well the real estate sale may be of the said Samuel Thompson which he held in his own right, vested in other real estate. as any other real estate purchased for his use by his former trustees, in pursuance of the second section of the act of thirteenth March, eighteen hundred and twenty-three, to vest as much of the proceeds of the sale of such property in other real estate, for the use of the said Samuel Thompson and his family, as to them may appear reasonable and proper.

SECTION 10. Henry Attick be, and is hereby authorized Henry Attick and empowered to sell and convey unto any person or persons whatever, in fee simple or otherwise, a certain lot of authorized to sons whatever, in fee simple or otherwise, a certain lot of sell property ground, situate in the town of New Cumberland, in the of George county of Cumberland, and state aforesaid, designated in Attick, dec. the plan of said town as number sixty-eight, late the property of George Attick, deceased : *Provided*, That before any Proviso. sale shall be made, the said Henry Attick shall give security, to the satisfaction of the Orphans' court in said county, for the faithful execution of the power hereby granted, and the proper application of the proceeds of the sale, in the same manner as he ought to do if he were administrator of the said George Attick, deceased.

WHEREAS, James Irvine, late of the city of Philadelphia, deceased, by his last will and testament, duly proved before the register of the city and county of Philadelphia, on the Preamble relative to estate of James Irvine. first and third days of May, Anno Domini, one thousand eight hundred and nineteen, devised and bequeathed certain real and personal estate to trustees therein named, for the use and benefit of Frances Irvine Browne and her heirs : *And whereas*, the said trustees were, on the third day of January, Anno Domini, one thousand eight hundred and twenty-nine, dismissed by the court of Common Pleas of the said city and county, and Hopewell Hepburn of the borough of Easton, Esquire, appointed sole trustee in their room and stead, and doubts having been entertained as to the rights, powers and authority vested in the said Hepburn by the said appointment, for remedy whereof ;

SECTION 11. That all the estate, real, personal and mixed, which James Irvine, late of the city of Philadelphia, deceased, devised and bequeathed to trustees for the use and benefit of Frances Irvine Browne and her heirs, and also, all other estates, real and personal, which the said trustees had or held, belonging to the said trust, on the day they were dismissed therefrom, as aforesaid, be, and the same are hereby vested in Hopewell Hepburn, his heirs and assigns, subject

only to the trusts, powers and duties mentioned in the said last will and testament of the said James Irvine, deceased, and the said Hepburn is hereby further authorized and empowered to sell and convey the said real estate, in fee simple, or for other less estate, and to invest the trust moneys, change the securities, and to bring suits in his own name, as fully and effectually as if he had been originally named and appointed the trustee by the said last will and testament, and as if the title to the real estate since purchased by the former trustees, and securities or evidences of debt, had been originally taken, and now stood in his own name, the said Hepburn to be answerable to the laws of this commonwealth relating to trustees and to trust estates.

Estate of James Irvine, dec. vested in Hopewell Hepburn, subject to the will of deceased.

SECTION 12. In case the said Hepburn as such trustee, as aforesaid, shall sell and convey the whole or any part of the real estate belonging to the said trust, and shall secure the purchase money, or any part thereof, by a mortgage on the premises sold, or shall otherwise invest and secure the same, by mortgage on other good real security, it shall be deemed and taken, and it is hereby declared to be a good investment thereof, according to the directions of the said will.

SECTION 13. It shall and may be lawful for Joseph M. Truman, trustee of Catharine Truman, George Truman, and the children of said George Truman, under the will of James Truman, late of the city of Philadelphia, dated in eighteen hundred and twenty, of a certain messuage and lot, number one hundred and two, North Seventh street, in said city, his heirs or assigns, trustee or trustees, as aforesaid, to execute a good and sufficient mortgage on said premises, for a sufficient amount of money to build a substantial three story brick house thereon, for the use and benefit of the parties who may be beneficially interested under said will, and the same to renew from time to time, and the mortgagee or mortgagees, shall have and hold to them an estate in said premises, discharged of said trust, subject nevertheless to the equity of redemption upon the payment of the mortgage money, so long as the same shall remain unsold by due process of law, at sheriff's sale, and except for the security of said mortgagee or mortgagees, the said trusts, under the said will, shall be and remain unimpaired and in full force and virtue, and any surplus of moneys on such sale shall be held upon the trusts aforesaid, and the said trustee or trustees, shall and may let or convey the said premises in fee simple, reserving a rent charge or ground rent, for the purposes and trusts in said will expressed, in respect to said premises, redeemable at and after the decease of both the said George and Catharine Truman, by paying the principle sum, at sixteen and

Jos. M. Truman, trustee under the will of James Truman, empowered.

two-third years purchase, to their child or children, and the representative of any deceased child or children, agreeably to said will in respect to said premises.

**Heirs of Jno. and Peter Knepper, & R. Stebleton, and heirs of Catharine Frees.** SECTION 14. If the heirs of John and Peter Knepper and Robert Stebleton, and the heirs of Catharine Frees, shall require it, the board of property shall examine into the title of the said heirs to a tract of land, situate in the township of Huntingdon, one of the seventeen townships in the county of Luzerne, surveyed on a warrant dated the seventh of June, one thousand seven hundred and ninety-three, in the

**Their title to a tract of land to be examined by the board of property.** warrantee name of William Lewis, containing four hundred and forty acres and twenty perches and allowance, and if they find that the said land has been certified to Connecticut settlers, under the provisions of the act for adjusting the titles to lands in the seventeen townships in Luzerne county, and that the said heirs were fully and fairly, and exclusively entitled to the said tract of land, except as against the holders of the certificate granted to Connecticut settlers, then they shall ascertain the amount of the purchase money, and interest, and issue a certificate to the said heirs and representatives of the parties aforesaid, for the amount of said purchase money and interest, or so much thereof as may have been certified as aforesaid, and the State Treasurer is hereby directed to pay the amount so ascertained out of any moneys in the treasury not otherwise appropriated: *Provided*, That the said heirs release unto the commonwealth all the right, title and interest they have in and to the land aforesaid.

**Proviso.**

WHEREAS, George Focht, late of Berks county, deceased, devised to the executors named in his last will, certain real estate, in trust for the use of his son Jacob Focht: *And whereas*, the said Jacob Focht is since deceased, and there is no power given in said will to sell the real estate so devised in trust for the use of the said Jacob; Therefore,

**John Focht authorized to sell Jacob Focht's part of his late father's estate** SECTION 15. John Focht of Berks county be, and he is hereby authorized to sell at public sale, the following described real estate, and convey the same to the purchaser or purchasers, it being part of the real estate late of George Focht, and devised by him in trust for the use of his son, Jacob Focht, who is since deceased, to wit: A lot of ground in Earl township, Berks county, containing ten acres, and a lot of ground in Hereford township, in the same county, containing three acres and one hundred and forty-six perches, with the appurtenances: *Provided*, That before such sale is made, the said John Focht shall give bond to the commonwealth, in such sum and with such security as the Orphans' court of Berks county shall direct and approve, conditioned for the proper execution of the power granted by this act,

**Proviso.**

and for the faithful application of the proceeds of the sale, according to law.

SECTION 16. The Surveyor General be, and he is hereby authorized and required to accept the surveys of land lying in Cambria county, made on the following warrants, dated the seventh day of March, one thousand seven hundred and ninety-four, for which the purchase money was paid to the commonwealth at the date of said warrants, by John Brown, late of Allegheny county, deceased, in the names of Richard Roop, Robert Roop, Thomas Roop, Isaac Roop, John Roop, Simeon Roop, Jacob Roop, William Roop, Joseph Roop, William Burn, Jacob Burn, Robert Burn, John Burn, James Burn, Adam Burn, James M'Guire, John Irvin and Philip West : *Provided always*, That nothing contained in this act shall be construed to impair or affect the right or title of third persons, which may have accrued or commenced by warrant or settlement prior to such acceptance : *And provided also*, That the Secretary of the Land office shall insert in said patents, that the same are issued in virtue of this act.

Surveyor General authorized to accept certain warrants in the names of Roop, Burn, M'Guire, Irvin and West.  
Proviso.  
2d Proviso.

WHEREAS, a number of actual settlers have purchased from Henry Baldwin and Stephen Barlow, warrants for certain tracts of lands, of four hundred acres each, lying north west of the rivers Ohio and Allegheny, and Connewango creek, which warrants originally belonged to the North American Land company, and by divers mesne conveyances became the property of the said Henry Baldwin and Stephen Barlow ; *And whereas*, the commonwealth has been fully paid and satisfied for said warrants, both for the amount of the original purchase money and under the lien of the state against John Nicholson, one of the share holders in said company, and conveyed to the said Henry Baldwin and Stephen Barlow, by the Secretary of the Commonwealth, for a valuable consideration ; *And whereas*, a number of said warrants have been located, and surveys and settlements made on the same, but that the surveys have not been accepted for want of conformity between the surveys and warrants Therefore,

Preamble relative to lands purchased of H. Baldwin and S. Barlow.

SECTION 17. The Surveyor General, on due proof of the premises, be, and he is hereby authorized and required to accept the survey on the following warrant, dated the twenty-first day of April, A. D. seventeen hundred and ninety-four, in the name of Job Wilt, and the Secretary of the Land office is hereby authorized to issue a patent for the same : *Provided*, That nothing contained in this act shall be construed to impair or affect the rights of third persons :

Survey on warrant in the name of Job Wilt, to be accepted.  
Proviso.

2d Proviso. *And provided also,* That the Secretary of the Land office shall insert in said patents, that the same were issued by virtue of this act.

Abraham Kleader's escheat.

Common<sup>l</sup>ths right, &c. granted to Margaret Tittle, mother of A. Kleader.

Authority and accountability of trustees.

SECTION 18. All the right, claim and interest which this commonwealth may have acquired by reason of any escheat, or supposed escheat, from the want of heirs of Abraham Kleader, formerly of West Penn township, Schuylkill county, deceased, in or to the amount of property in the hands of John Miller and Adam Miller, the committee of the said Abraham Kleader, deceased, who had been declared a non compos mentis by due course of law, shall, and the same is hereby granted to Margaret Tittle, mother of the said Abraham Kleader, deceased, and that the said committee be authorized to pay the said funds in their hands, to the said Margaret Tittle, the mother; by such instalments as her necessities shall from time to time require, and if any surplus should remain at her death, to account for and pay the balance over to her heirs; the said trustees to be under the control of the court of Common Pleas of Schuylkill county, as trustees in other cases are by law controlled.

Administrator of Robert Williams, empowered to make a deed for a certain lot of ground

Proviso.

SECTION 19. William Williams, administrator of Robert Williams, late of Westmoreland county, deceased, be, and he is hereby authorized and empowered to make and execute a deed to John Patterson and Alexander Armstrong, their heirs and assigns, for a certain lot of ground situated in the town of Freeport, in the county of Armstrong, being in front on Water street sixty-six feet, and extending at right angles to the same one hundred and fifty-nine feet to an alley, and numbered twenty-two in the plan of said town, for such estate as the said Robert Williams had and held in the same at the time of his decease: *Provided,* That the proceeds of the sale of said lot be duly accounted for in the settlement of his administration account.

Trustees of Wm. M'Donald empowered to sell certain real estate, &c.

SECTION 20. Elizabeth M'Donald and George M'Donald, trustees named in the last will and testament of William M'Donald, late of the county of Washington, deceased, are hereby authorized and empowered to sell, at public or private sale, a certain messuage and tract of land, of which the said testator died seized, situated in East Finley township, in said county of Washington, comprising three small surveys, adjoining each other, and containing in the whole one hundred and fifty-six acres, or thereabouts, and to execute a deed therefor to the purchaser, conveying to him, his heirs and assigns, all the right, title and interest which the said testator had therein at and immediately before his death: The said trustees are further empowered to purchase with the proceeds of the sale hereby authorized, such other real

estate as will best promote the interest of those persons entitled to the said proceeds, or the use thereof, under the provisions of the will of said decedent, and to receive a deed or deeds therefor, from the vender, in trust for the same uses and purposes annexed to the land hereby directed to be sold: *Provided however*, Before any such sale as aforesaid shall be valid, it shall be approved by the Orphans' court in and for the said county of Washington.

SECTION 21. It shall and may be lawful for John Davis, Thomas Brown, William Duncan, David Weatherly, Elijah Griffith, William W. Keen, George W. Smith, Henry Benner, Thomas Wattson, William S. Hansel, James M. Bird, David Johns, Joseph Keen, Benjamin R. Loxley, John Tustin, John Young, William S. Cleavinger, William Ford, John Mulford, Junior, and Thomas Rhoads, feoffees in trust for the religious society and congregation of the people called Baptists, of Philadelphia, now denominated the First Baptist church at Philadelphia, or a majority of them, now remaining members of the said church, in good standing, with the consent and approbation of the said congregation, now incorporated under the name, style and title of "The First Baptist church of Philadelphia," meeting for worship in Second street, between High and Mulberry streets, to grant, bargain and sell, all that certain lot of land within the city of Philadelphia, with the buildings thereon erected, in the plot or general plan of the public city lots, marked number fifteen hundred and ninety-one, situate on the west side of Willow street, and on the south side of Spruce street, containing in breadth north and south one hundred and seven feet, and extending in depth from the west side of Willow street aforesaid, into the river Schuylkill, at low water mark, in such part or parts thereof, and at public or private sale, as the said congregation, at their meetings for business for that purpose convened, shall order, direct and appoint, and to make, execute, deliver and acknowledge a good and sufficient deed or deeds of conveyance for the same, to the purchaser or purchasers thereof, his, her or their heirs and assigns forever, in fee simple, and if the said congregation, at their meetings for business held as aforesaid, shall so order, direct and appoint, then it shall and may be lawful for the said feoffees, or a majority of them, as aforesaid, to make, execute, deliver and acknowledge a good and sufficient deed or deeds of mortgage of the premises aforesaid, and also of all those three messuages and lots of ground thereto belonging, situate on the east side of Delaware Third street, between Sassafras and Mulberry streets, in the city of Philadelphia, containing together in breadth north

Proceeds  
may be rein-  
vested.

Proviso.

Feoffees at  
the First Bap-  
tist church  
of Philad'a.

Authorized  
to sell a lot  
of land.

Three other  
messuages  
and lots of  
ground.

and south forty-seven feet and six inches, and in length east and west seventy-four feet, bounded northward by ground formerly of Matthew Phillips, now an alley called \_\_\_\_\_ alley, eastward by a six feet wide alley, southward by ground late of William Branson, and westward by Third street aforesaid, to such person or persons, for the better securing the payment of such sum or sums of money, at such times, and on such terms and conditions as the said congregation, at their meetings for business held as aforesaid, shall order, direct and appoint.

Preamble re-  
lative to es-  
tate of Gec.  
Weiand.

WHEREAS, George Weiand, late of the county of Berks, deceased, in his last will and testament, which bears date the twenty-third day of December, Anno Domini, one thousand eight hundred and twenty-nine, did devise his real estate to his son, Jacob Weiand, during his natural life, subject however to certain payments, and after the decease of the said tenant for life, then to be possessed and enjoyed by the children of his son John, deceased; *Whereas*, the said Jacob Weiand has refused to accept the devise to him, whereby the intentions of the testator have been in a great measure frustrated, and the said estate remains unoccupied and unproductive; *And whereas*, There is no provision in said will for the sale thereof; Therefore,

Jacob Wei-  
and, execu-  
tor, authoriz-  
ed to sell.

SECTION 22. Jacob Weiand, executor of the last will and testament of George Weiand, late of Berks county, deceased, be, and the same is hereby authorized and empowered to sell a certain tract or piece of land, situate in the said county, being the same that was devised by the said testator to Jacob Weiand and Catharine his wife, during their natural lives, and remainder to the children of John Weiand, and execute a deed of conveyance therefor to the purchaser or purchasers: *Provided*, That before any such sale shall be made, the said executor shall give bond, in such sum and with such security as the Orphans' court in and for the county of Berks may approve, the condition of which shall be, that the said executor shall well and faithfully account for and distribute the proceeds of said sale, agreeably to the direction of said court.

Proviso.

LEWIS DEWART,  
Speaker of the House of Representatives.  
THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-seven.

JOS: RITNER.