

No. 75.

AN ACT

To authorize Isaac Koons, trustee under the will of Andrew Thatcher, late of the Northern Liberties of the county of Philadelphia, deceased, to make sale of certain real estate.

Preamble

WHEREAS, The widow and surviving children of Andrew Thatcher, late of the Northern Liberties, of the city of Philadelphia, deceased, and Thomas W. Jones, guardian of the minor children of Mary Tazewell, deceased, late Mary Thatcher, have represented to the general assembly that the said Andrew Thatcher, died seized in fee of sundry lots and tenements in the Liberties aforesaid, in the county of Philadelphia, and that the said Andrew Thatcher by his last will devised among other things, all the residue of his estate to Ephraim Hains, John C. Browne and Robert Whitehead; whom he appointed executors of his said will, and did direct his said executors, the survivors or survivor of them, with the assistance of three discreet persons, to make partition of the said estate among the children of the said testator, namely, Mary, Margaret, Florance, Amanda and Samuel, and did direct the said executors, the survivors and survivor of them, by separate and distinct deeds, to convey to Stephen Simmons, the several shares allotted to his said daughters in trust, for the use of his said daughters, during their natural lives so that each of the said daughters should take and receive the income of the shares allotted to them respectively into their own hands, free from the debts or control of their respective husbands, with full right in each of his said daughters, by any writing in the nature of a will or appointment executed under her hand and seal to dispose of the same to and among her children, and for want of such child or children to the use of the surviving children of the said testator and their lawful issue according to the intestate laws of Pennsylvania, and did direct the part allotted to his son Samuel, should be conveyed to him when he attained the age of thirty years, in fee and in case of his death to remain to his heirs. That the said Mary, the daughter of the said Andrew, is since deceased, leaving children for whom Thomas W. Jones has been appointed guardian. That the said executors are since deceased, without having made partition thereof. That the said estate cannot be equally divided. That the said Stephen Simmons has refused to accept the said conveyances and trusts, and that

Isaac Koons, (grocer) of the said Liberties, has been appointed by the judges of the orphan's court for the said county, trustee under the said will to fill the vacancy occasioned by the death of the last surviving of the said executors thereof. That the said devisees cannot possess their intended respective shares of the said estate, nor improve the same, and that the interests of the said devisees will be greatly promoted by a sale of the said lots and tenements and the investment of the proceeds of the sales thereof, to the use of the said devisees, as if the same were real estate conveyed in pursuance of the provisions of the said will.

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 Isaac Koons, of the district of the Northern Liberties, grocer, be and he hereby is authorized and empowered at public or private sale, to sell and to convey any, all and every part of the lands and tenements of Andrew Thatcher, late of the Northern Liberties, of the city of Philadelphia, deceased, situate in the said Northern Liberties and county of Philadelphia, to the purchaser or purchasers thereof in fee, and the proceeds thereof to invest in separate and distinct shares in securities, to be approved by the party immediately entitled to the use of, or representing such share, to and for the same uses, intents, interests and estates, and to the like effect as if the same remained real estate and were conveyed in pursuance of the directions of the said Andrew Thatcher, deceased, in his said will mentioned. *Provided,* That the said Isaac Koons aforesaid, before he proceeds to sell the said property, shall enter into bond with sufficient security to be approved of by the orphans' court of Philadelphia county, conditioned for the faithful application of the proceeds of the sale of said lands and tenements, according to the terms of said will and decree of the said orphans' court in the premises.

FRED'K. SMITH,

Speaker of the House of Representatives, pro tem.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, eighteen hundred and thirty-nine.

DAVID R. PORTER.

Isaac Koons
to sell and
convey estate
of Andrew
Thatcher de-
ceased

Proceeds to
be invested

Proviso

To give bond