

Therefore, be it enacted.

SECTION 4. That the commissioners of York county, be authorized to ascertain whether the said sum of one thousand dollars borrowed from said George Aughinbaugh, was obtained for the use of the county, and by reason of any arrangement or contract with the commissioners thereof, and expended in the erection of the said bridge, and if so borrowed and expended, and they believe the county is equitably indebted for the same, that they be authorized to draw an order on the treasurer of York county, for the payment of said sum with lawful interest, if under all the circumstances, the county of York is in equity bound to pay interest thereon.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

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

DAVID R. PORTER.

No. 89.

AN ACT

Authorizing the sale of the real estate of Abraham Bare, late of Chester county, deceased.

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 grant of the Register of Wills &c. of the county of Chester, on the eighteenth day of April, Anno Domini, one thousand eight hundred and thirty-seven, of administration of the goods and chattles, rights and credits which were of Abraham Bare, late of the township of Coventry, in said county, deceased, to Abraham R. Bare and David Strunk, be and the same is hereby declared valid and effectual to all intents and purposes, whatsoever, as if the said Abraham Bare had died intestate.

Confirmation
of letters of
administration

Proceedings
of orphan's
court con-
firmed

SECTION 2. That the proceedings in the Orphans' Court of said county of Chester, in relation to the partition and valuation of the real estate of the said Abraham Bare, and the several orders, rules and decrees of the said court, touching

and concerning the same, be and the same are hereby declared to be valid and effectual to all intents and purposes whatsoever, as if the said Abraham Bare had died intestate.

SECTION 3. That the above mentioned Abraham R. Bare and David Strunk, or either of them in case of the neglect or refusal of the other, or in case of the death, neglect or refusal of both, a trustee to be appointed by the said court, agreeably to the provisions of forty-fourth section of an act entitled an act relating to executors and administrators, passed February, twenty-fourth, Anno Domini, one thousand eight hundred and thirty four, be and they are hereby authorized and empowered to make public sale of said real estate upon the times and conditions specified in the order and decree of the said orphans' court, made on the sixth day of November, Anno Domini, one thousand eight hundred and thirty-seven, at such time as they shall deem expedient, and upon the confirmation of such sale by the said court to make a good and sufficient conveyance for the same to the purchaser in fee simple. *Deed*
Provided, That should a session of the orphans' court of said county, be held previously to notice being given of the sale of said real estate, the said sale shall be had on such day as said court shall appoint. *And provided further*, That the day for holding such sale, unless appointed by said court as aforesaid shall be within thirty days after such session of the said court. *2nd proviso*

SECTION 4. That the proceeds of the real and personal estate of the said Abraham Bare, shall be distributed as if he had died intestate, and that the security, notices and all other matters and things in relation to the sale and distribution of said estate, both real and personal, and to the securing of the shares or purports of the widow and other persons entitled to distribution of the same by virtue of this act, be in every respect regulated, except as herein otherwise provided, agreeably to the provisions of the several laws of this commonwealth, relating to the sale and distribution of intestates estates. *Distribution of proceeds*
Provided, That should the sale of the said real estate be had previously to the holding of a session of the said orphans' court, the security required by the thirty-third section of an act entitled an act relating to orphans' courts, passed March twenty-nine, one thousand eight hundred and thirty-two, shall be deemed sufficiently approved, *Security* *Distribution* *Provided* *Approval of security* *approved* by one of the judges of said court.

SECTION 5. That should Thomas Beechly, David Strunk or the said Abraham R. Bare, or the said Mary Beechly, or to be paid Anna Strunk, in case they should survive their said husbands or either of them, give security to the satisfaction of the court that the amount of the said portions or interests, shall be paid to the children entitled to the same, after the death of their *Portions how* *to be paid* *over*

respective parents, then the said portions, or interests, may be paid over to such parents. And in case either of said parents shall be unable or refuse to give security as aforesaid, the said portion, or interests, of the children of such parents, may be vested in trustees, to be approved by the court for the same purpose, but reserving to the said parents the interest thereof during their natural lives.

SECTION 6. That the whole of the shares of the proceeds of the real estate of the said Abraham Bare, deceased, to which Abraham R. Bare, Mary Beechly, and Anna Strunk, would have been entitled respectively, had the said Abraham Bare, died, intestate, shall not be paid to them absolutely, but the value of the portions or interests of the minor children of the said Abraham R. Bare, Mary Beechly and Anna Strunk, under the will of the said Abraham Bare, deceased, shall be ascertained by auditors or otherwise as the said court shall deem expedient, and direct, and shall be deducted from the shares as aforesaid of their respective parents. *Provided,* That it may be lawful for the said court to direct out of which of the payments (under the order and decree of said court of November sixth, Anno Domini, eighteen hundred and thirty-seven,) of the purchase money of said real estate, the portions or interests of said children shall be deducted.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

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

DAVID R. PORTER.