

No. 219.

A N A C T

Relative to real estate.

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 Reverend George Morton and Jane, his wife, be and they are hereby authorized and empowered to convey, by deed in fee, to John C. Rochester, a certain messuage and tenement and lot of ground, with a dwelling house, situate in the borough of New Alexandria, in the county of Westmoreland; it being the same lot of ground taken by William Taylor, as guardian of the said Jane, upon proceedings in partition, in said county.

Rev. George Morton and wife, authorized to convey certain real estate.

SECTION 2. That the guardian of the said Jane A. Parmlee, be and is hereby authorized to convey by deed, such portions of the interest of the said Jane A. Parmlee, in any of the real estate of which she is seized as one of the heirs of Lothrop S. Parmlee, deceased, as aforesaid, as may be necessary to pay her proportion of the indebtedness of the said heirs; and the said guardian, after said indebtedness is discharged, is also hereby authorized to make partition with the heirs of said Lothrop S. Parmlee, deceased, of any or all of said real estate; and to make and receive conveyances therefor, in pursuance of any arrangement of partition which may be made between him, the said guardian, and the heirs of said real estate.

Guardian of Jane A. Parmlee, authorized to convey portions of the interest of said Jane, in certain real estate.

SECTION 3. In case the said heirs, and the guardian of the said Jane A. Parmlee, as aforesaid, cannot agree after said indebtedness is discharged, in any partition of said real estate, the judges of the orphans' court, or any one or more of them, of Warren county, may, on application of any one or more of said heirs, or the guardian of the said Jane A. Parmlee, appoint three judicious and disinterested persons, who shall proceed to divide the said real estate, and designate the proportion for each heir; and their action in the premises shall be binding and conclusive: *Provided,* That they, the said persons so appointed as aforesaid, shall make a report of their proceedings, duly acknowledged by them, and cause the same to be recorded in the office of the recorder of deeds for the county aforesaid.

Proceeding in case the heirs and guardian cannot agree in partition, &c.

Proviso.

SECTION 4. It shall be the duty of the said guardian of the said Jane A. Parmlee, as aforesaid, before he executes any conveyance of the said real estate seized by the said Jane, to file a bond in the orphans' court of the county of Warren, as aforesaid, with sufficient sureties, to be approved of by the judges, or one of the judges thereof, conditioned for the faithful appropriation of the proceeds of said sale, and that he will comply with the law in such case made and provided.

Duty of guardian.

WHEREAS, Mary Hamilton, by deed dated the twenty-third day of September, eighteen hundred and forty-three, recorded at Philadelphia, in deed book R L L, number thirteen, page one hundred and forty-eight, &c., granted and conveyed to James J. Boswell, Jacob Carrigan, junior, and Thomas K. Peterson, on ground rent, a certain lot of ground situate on the north side of Callowhill street, one hundred and ninety-four feet westward of Schuylkill Fifth street, in the county of Philadelphia, containing on

Preamble.

Callowhill street forty-one feet nine and a half inches, and in depth one hundred feet; and the said grantees, by a declaration of trust executed on the same day, and recorded at Philadelphia, in deed book R L L, number fourteen, page five hundred and ninety-six, declared they held said lot in trust for the Methodist Episcopal church of the Philadelphia conference, which is not a corporate body; it being intended to erect on said lot a church in connection with said conference, to be called Bethlehem church:

And whereas, A building hath been erected on said premises, but the location of said lot having been found unsuitable for said purposes, it is intended to locate said church in another place, and it being desirable to sell said hereinbefore described premises; but in consequence of both said conference and church being unincorporated, difficulty having been experienced in making said sale; therefore,

SECTION 5. That the said James J. Boswell, Jacob Carrigan, junior, and Thomas K. Peterson, and the survivors and survivor of them, be and they are hereby authorized to grant, assign and convey the said lot of ground, with the improvements thereon erected, and any and every part thereof, to any purchaser or purchasers thereof in fee simple or otherwise however, free, clear and discharged from all and every the said trust and trusts, and as fully, largely and amply as if the same had been purchased by them individually, and for no other purpose, and without any liability whatever, on the part of the purchaser or purchasers, to see to the application of the purchase money.

James J. Boswell,
Jacob Carrigan,
Jr., and Thomas
K. Peterson, and
their survivors,
authorized to
grant, assign and
convey a certain
lot of ground.

SECTION 6. That it shall be lawful for the directors of the poor and house of employment of Delaware county, with the approbation of the board of commissioners of said county, to sell and convey, in fee simple, for such price and upon such terms and conditions as may be agreed upon by the parties, any part of the lands belonging to said institution, or which may hereafter belong to it; the purchase money thereof to be paid into the county treasury, or the treasury of said institution, as the county commissioners may direct.

Directors of the
poor and house
of employment
of Delaware
county, author-
ized to sell any
part of the land
belonging to said
institution.

George Smith,
guardian of the
minor children
of George Cum-
mins, authorized
to sell.

SECTION 7. That George Smith, guardian of the children of George Cummins, late of the township of Upper Providence, in the county of Delaware, deceased, be and he is hereby authorized and empowered to sell at private sale, and convey to the purchaser or purchasers thereof, a part of the lands of the said deceased, lying in said township of Upper Providence, not exceeding one-half acre, upon such terms and such conditions as he may think proper to prescribe: *Provided*, That such sale and conveyance shall not be made without the assent of Matilda B. Cummins, widow of said decedent.

George Smith,
guardian of the
minor children
of George Cum-
mins, authorized
to sell.

SECTION 8. That Abraham Timbro, the guardian of the minor children of Henry Wagoner, late of South Huntingdon township, in the county of Westmoreland, be and he is hereby authorized to sell at public sale, the real estate which was of the said Henry Wagoner, deceased, and to make to the purchaser or purchasers, a deed in fee for the same, such sale being first approved by the orphans' court of Westmoreland county: *Provided*, That before such sale is approved by the court, the said guardian shall give bond in such security as the court shall require, conditioned for the faithful appropriation of the proceeds of such sale to the use of said minors and the widow of the said Henry Wagoner, in proportion to the interest which they now have in said real estate; said bond to be filed in the office of the clerk of the orphans' court of said county.

Abraham Tim-
bro, guardian of
the minor chil-
dren of Henry
Wagoner, de-
ceased, author-
ized to sell cer-
tain real estate.

SECTION 9. That the right to sell and convey the real estate described as follows: beginning at or near the double gate of the stone wall; thence along the wall east to the line of John Runkle, at the cor-

Right to sell and
convey certain
real estate vested

ner of the stone session house; thence north along the line of said Runkle to a post; thence along the line of Runkle to the line of John T. Young; thence along the line of said John T. Young, to the public road, opposite place of beginning; and thence to place of beginning, being a part of the estate vested in William Hughes, Samuel Davis and Oliver Kerr, trustees for the Sinking Creek church, at Centre Hill, Potter township, Centre county, by the indenture of William Johnston and Sarah, his wife, bearing date the twenty-fourth day of January, one thousand eight hundred and thirty-four, for a certain lot of ground, situated at Centre Hill, in the township and county aforesaid, be and the same is hereby vested in Robert Swatson, Samuel Shannon, William W. Love and William S. Gilliland, deacons, and William Burn-sides, John Love and John Gilliland, the present trustees, and their successors in office: *Provided*, That the proceeds of such sale shall be applied to the liquidation of the debts of said church.

in Robert Swat-
son, Samuel
Shannon, W.
W. Love and
W. S. Gilliland,
deacons, and
William Burn-
sides, John Love
and John Gilli-
land, trustees.

Proviso.

SECTION 10. That Alexander Jordon and William F. Waggenseller, executors of doctor Jacob Waggenseller, late of Union county, deceased, or the survivor of them, be and are hereby authorized to sell at public or private sale, and on such terms as to them shall be deemed most advantageous, such parts of the real estate of said deceased, situate in the county of Union, as may be necessary to pay the debts of the said deceased; and upon sales being so made, the said executors are hereby authorized to execute and deliver to the purchaser or purchasers, deeds conveying, all the interest of the said deceased, to the purchaser of the property so sold.

Alexander Jor-
dan and William
F. Waggenseller,
executors of Dr.
Jacob Waggen-
seller, authorized
to sell real estate.

SECTION 11. That Jacob Steever, of the county of Northampton, be hereby authorized and empowered to convey by deed the following described property, to wit: a certain piece of land containing two and three-fourth acres, situate in the township of Salisbury, in the county of Lehigh, bounded by lands of Daniel Mority, David Giess, John Fatzinger and George Berger, with the appurtenances, to the said George Berger, according to the terms of an article of agreement, executed by the said Jacob Steever and George Steever, his father, dated the twenty-ninth day of December, one thousand eight hundred and forty; the said deed to have the same force and effect, as if it had been duly executed by the said George Steever in his life time.

Jacob Steever,
authorized to
convey certain
real estate.

SECTION 12. That Thomas Dunlap, of the city of Philadelphia, executor of the last will of Mrs. Elizabeth Gresham, late of said city, deceased, is hereby authorized to grant, bargain and sell, in such manner, and for such price as he may deem for the interest of said estate, and to convey and assure in fee simple to the purchaser, all that rent charge issuing and reserved out of all that certain lot, situated on the south-west side of the Ridge Road turnpike, in the district of Spring Garden, above Callowhill street; beginning at a stake on the south-westerly side of the said Ridge Road, and on the north side of an alley laid out fifteen feet wide, and leading westward, parallel with, and at the distance of one hundred and twenty feet northward from the said Callowhill street, to Solomon White's line; then running north-westwardly along the line of the said Ridge road turnpike, thirty-five feet; thence south-westwardly, along a line parallel with the line between the ground of the parties of the first part, and ground late of the said Solomon White, deceased, about fifty-one feet to the said fifteen feet wide alley; then eastwardly along the said fifteen feet wide alley, about sixty-four feet to the beginning, being the same premises which John H. Brinton and Sarah, his wife, and Elizabeth Steinmetz by deed, dated nineteenth October, one thousand eight hundred and twenty-five, and recorded in the proper office in Philadelphia, in deed book R L L,

Thomas Dunlap,
executor of Mrs.
Elizabeth Gres-
ham, authorized
to sell certain
real estate.

number thirty-two, page two hundred and forty-five, et cetera, did grant and convey to John Miller, reserving thereout the yearly rent or sum of thirty-seven milled dollars, and sixty-two and a half cents lawful money of the United States of America, payable semi-annually, which said rent charge, together with all its incidents, and all rights, title and interest in the lot aforesaid, was granted and conveyed unto the said Elizabeth Gresham, by George Brinton, executor of Sarah Brinton, above mentioned, (in whom by lawful conveyance, the same had become vested) by deed, dated first of February, Anno Domini, one thousand eight hundred and thirty-two, and recorded with, and upon the said last mentioned deed, in the office book, and pages aforesaid.

Mary Ann N. Vanuxen, executrix of Lardner Vanuxen, dec'd, authorized to sell certain real estate.

SECTION 13. That Mary Ann N. Vanuxen, executrix of the last will and testament of Lardner Vanuxen, late of Bristol township, Bucks county, deceased, be and is hereby authorized to sell, either at public or private sale, and convey in fee simple, all that certain messuage or tenement, and farm or tract of land containing about sixty acres, situate in said Bristol township, whereon the said Lardner Vanuxen lived, and of which he died seized; and to make to the purchaser or purchasers thereof, good and sufficient conveyances and assurances in law for the same: *Provided*, That before the execution and delivery of any conveyance of the said estate, the said executrix shall give security to be approved by the orphans' court of Bucks county, for the investment of the proceeds of sale for such uses as are provided in the will of the said Lardner Vanuxen.

Henry Wenck, and John Leisenring, surviving trustees of the German Reformed and Lutheran congregations of Northumberland, authorized to sell real estate.

SECTION 14. That Henry Wenck and John Leisenring, surviving trustees of the German Reformed and Lutheran congregations of the borough of Northumberland, Northumberland county, and their successors in office, or either of them, be and are hereby authorized and empowered to sell either at public or private sale, and to convey in fee simple, and to make and execute to the purchaser or purchasers thereof, a good and sufficient conveyance and assurance in law, to a certain lot of ground situate on the corner of Queen and Fourth streets, in the borough of Northumberland, Northumberland county; and the proceeds of such sale, the said trustees, after the payment of the costs of sale, if any, shall divide it equally between each of said congregations, according to the respective shares of said congregations: *Provided*, That before such sale, the said trustee or trustees shall execute and file in the office of the prothonotary of Northumberland county, a bond to the commonwealth, with such security as the court of common pleas of said county shall approve, conditioned for the faithful distribution and application of the moneys arising from said sale, to the congregations entitled to the same.

Proviso.

Eliza Trimble, administratrix of Dr. James Trimble, dec'd, authorized to sell certain real estate.

SECTION 15. That Eliza Trimble, administratrix of doctor James Trimble, late of Hollidaysburg, in the county of Blair, is hereby authorized and empowered to make sale of all the real estate situate in Mercer county, Pennsylvania, belonging to the estate of the late doctor James Trimble, deceased, and to invest the proceeds arising from such sales, in such securities as she may deem most productive, for the benefit of the heirs and legal representatives of the said doctor James Trimble, deceased: *Provided*, That before the execution and delivery of any deed of conveyance of the said estate, the said administratrix shall give security, to be approved by the orphans' court of the county of Mercer, for the proper investment and application of the proceeds of the sale of said estate.

Proviso.

Dillwyn Parrish, and Thomas R. Williams, trustees of Priscilla B. Leedom, under the will of Jacob Ballenger, be with her authorized to borrow, and secure by mortgage on all that lot devised

SECTION 16. That Dillwyn Parrish and Thomas R. Williams, trustees of Priscilla B. Leedom, under the will of Jacob Ballenger, be with her authorized to borrow, and secure by mortgage on all that lot devised

by said will to them, situate on Saseafra's street, and extending to Mark's lane, at the distance of ninety-eight feet westward from Eleventh B. Leedom, authorized to borrow money. street, in the city of Philadelphia, any sum not exceeding five thousand dollars, for the purpose of erecting new brick buildings thereon; and again to re-mortgage, as often as said sum so to be borrowed shall be required to be paid off; and the mortgage or mortgages so to be secured shall have the same effect as if said mortgages held the same absolutely in fee; and any purchaser thereunder, by process on such mortgage or mortgages, shall derive title in fee simple, discharged of all trusts.

WHEREAS, Patrick Erwin, of York township, in the county of York, died during the minority of his son Daniel, who was incapable of managing the property left for his benefit; and it appears that the property, the income of which was designed for his support and maintenance, has not been controlled or managed in such manner as to secure the true intention of the testator, and the said Daniel Erwin, who is blind, does not receive the means which the said property is abundantly able to produce for his support; and inasmuch as the will does not authorize the sale or disposition of the said property, to fulfil the clear design of the said Patrick Erwin, to wit: the proper support and comfort of his said son Daniel, who is now forty-two years of age, and is in a suffering condition, and totally helpless, the said property being esteemed to be worth seven thousand dollars, would, if sold, furnish ample means to comply with the object of the testator; therefore,

SECTION 17. *Be it enacted by the authority aforesaid,* That the orphans' court in and for the county of York, are hereby authorized, if the said court shall deem it expedient, to cause an order to be made for the sale of the real estate left by Patrick Erwin as aforesaid; and the proceeds of said sale shall be invested under the direction of the said court, in such manner as shall best secure the means for the support and comfort of Daniel Erwin, and providing for him during his life time, and for his funeral when dead: *Provided,* That the said sale shall be approved by the said court before the deed shall be made to the purchaser: *And provided,* That before receiving any portion of the purchase money, the trustee, or other person making such sale, shall give bond with security, to be approved by said court, for the faithful application of all money that may be received by him under or by virtue of the provisions of this act; which bond shall be filed in the orphans' court of said county.

SECTION 18. That William G. Hawkins, administrator of Aaron Whitaker, late of Allegheny county, deceased, be and he is hereby authorized to lease, or sell at public or private sale, the unexpired term now held by Linhearts, and also any quantity of coal lying in or upon the homestead farm of the said Whitaker, situate in Mifflin township, county aforesaid, that he may deem necessary to liquidate the debts against said estate, upon such terms and conditions as in his opinion will best comport with the interest of said estate: *Provided,* That before the execution of the deed or contract, such sale or contract shall be approved by the widow and guardians of the minor children of the said Aaron Whitaker, deceased, to be filed in the orphans' court of Allegheny county: *And provided also,* That said administrator, before the execution of a deed, file a bond, with approved security, in the orphans' court of Allegheny county, conditioned for the faithful appropriation of the moneys arising from such sale or contract.

WHEREAS, Alexander Hill and Elizabeth his wife, by deed indented, dated April fifteenth, Anno Domini one thousand seven hundred and fifty-eight, leased for nine hundred and ninety-nine years, a certain lot of ground, situated in the township of West Marlborough, county of

Chester, and state of Pennsylvania, whereon a church then stood, containing one-quarter of an acre and two perches, together with the said church, to a certain Thomas Boles, of Newlin township, in the same county and state, his executors, successors or assigns:

And whereas, The said Thomas Boles, it is believed went to England, and without making any assignment of the said trust:

And whereas, The court of common pleas of Chester county aforesaid, did upon application by divers citizens, appoint on the eighth day of November, Anno Domini, one thousand eight hundred and twenty-eight, Thomas Charlton, Amos Nichols and Jacob Pyle, trustees of said real estate:

And whereas, The court of common pleas aforesaid, did grant to certain persons applying therefor, an act of incorporation, conferring upon them the powers and immunities of a corporation or body politic in law, by the name, style, and title of "The rector, church wardens and vestrymen of Saint James' church, West Marlborough;" which act has been duly recorded in the recorder's office of Chester county, in corporation book, number one, page forty:

And whereas, Two of the trustees appointed by the said court of common pleas of Chester county, being now deceased, to wit: Thomas Charlton and Jacob Pyle, and their co-trustee, Amos Nichols, being aged and infirm, and anxious to convey the said real estate to the said corporation of the rector, church wardens and vestrymen of Saint James' church, West Marlborough, to hold the same for the use of the congregation of said church, which still adheres to the same worship and doctrine, as that for which the said real estate was originally granted:

And whereas, Under the existing laws of this commonwealth, there is no power vested in the said Amos Nichols, to convey the said real estate to the said corporation; therefore,

SECTION 19. *Be it enacted by the authority aforesaid,* 'The said Amos Nichols or in case of his death, whomsoever the court of common pleas of Chester county may appoint in his stead, authorized to convey the right, title and interest of said Amos Nichols in certain real estate.

Amos Nichols, or in case of his death, whomsoever the court of common pleas of Chester county, may hereafter appoint as trustee in the place or stead of him, the said Amos Nichols shall by good and sufficient deed or deeds, convey all the right, title and interest, which he the said Amos Nichols or his successor, who may be hereafter appointed as aforesaid, may have in the aforesaid real estate, to the corporation of the rector, church wardens and vestrymen of Saint James' church, West Marlborough, its successors and assigns, to have and to hold the said real estate, for the only proper use and behoof of the congregation now worshipping, or who may hereafter be worshippers at the church of Saint James', West Marlborough, according to the doctrines and discipline of the said Protestant Episcopal church in the state of Pennsylvania, and for no other use or purpose whatsoever.

SECTION 20. That it shall and may be lawful for the court of common pleas of Philadelphia county, having jurisdiction of the accounts of the committee of Jesse Walmsley, a lunatic, residing in the township of Byberry, Philadelphia county, upon the application of such committee, and due cause shown, to authorize such committee to sell and dispose of any wood or timber growing or standing upon the lands of such lunatic or drunkard, with the privilege to the purchaser or purchasers of entering thereon, to cut and carry away the same, or to authorize such committee to cut the same, and dispose thereof when cut, whenever in the opinion of such court, the conversion of the same into money, in either of the modes aforesaid, will be beneficial to such lunatic or drunkard, or to his or her estate, and to order that the proceeds of such sale or sales shall be expended upon, and in improving

the real estate of such lunatic or drunkard, or shall form a part of his or her personal estate, as if originally a part thereof; and in all or any of the cases aforesaid, to require security for the due application of such proceeds, as such court may in its discretion require.

SECTION 21. That the orphans' court of Fayette county, upon application made, and bond given, as directed by the thirty-third section of the act, entitled "An Act relating to orphans' courts," approved the twenty-ninth day of March, one thousand eight hundred and thirty-two, and without any inventory and appraisement of personal estate, or statement of other real estate, may authorize George T. Paul of said county, guardian of Elizabeth Way Free, and Milton Way Free, minor children of William Free, of Carroll county, Ohio, and devisees of Elizabeth Way, late of Fayette county, deceased, to sell and convey all the title and estate of said minors, in and to a certain house and lot, situate of land on Fayette street, in the borough of Uniontown, in said county of Fayette, adjoining lots of John Bradbury on the west, Alfred Patterson on the east, and Lucien B. Bowie on the north, as fully and effectually as if such sale were necessary, according to the third paragraph of the thirty-first section of the act aforesaid: *Provided*, That the written assent of the father, if living, or mother, if he be dead, of said minors, shall be had before such sale shall be authorized: *And provided also*, That said guardian shall pay the lawful collateral inheritance tax out of the first moneys received on account of said sale, to be computed upon the amount of said sale.

Orphans' court of Fayette county empowered, upon application made and bond given, to authorize George T. Paul, guardian of Elizabeth Way Free and Milton Way Free, to sell certain real estate.

SECTION 22. That John Rheiner, Joseph Rheiner and William Rheiner, executors of the last will and testament of John Rheiner, late of Penn township, in the county of Philadelphia, deceased, or a majority of them, or the survivor or survivors of them, be and they are hereby authorized to sell either at public or private sale, all that certain plantation or tract of land, situate in Penn township, in the county of Philadelphia, containing about forty acres of land, more or less, bounded by lands of John Campman, Lewis Clappier's estate, Anthony Rufnor, Godfrey Hagel, Kenderton Smith, esquire, the estate of George Blight, deceased, of which the said John Rheiner died seized; and the said executors, or a majority, or the survivor or survivors of them, are further authorized to make and execute a deed or deeds, or other assurances for the same, to the purchaser or purchasers thereof, which shall be good, valid, and effectual in law, to vest in the said purchaser or purchasers, all the right, title and interest, which the said John Rheiner, senior, had in the same at the time of his decease, the same as if full and ample power had been given them to sell the same, in and by the will and testament of the said decease, and subject to all conditions contained in said will.

John Rheiner, Joseph Rheiner and William Rheiner, executors of John Rheiner, dec'd, authorized to sell certain real estate.

SECTION 23. That Thomas Dunlap, surviving executor and trustee under the last will and testament of doctor James Dunlap, late of the city of Philadelphia, deceased, be and he is hereby authorized and empowered to grant, bargain and sell in fee simple, and to convey to the purchaser, freed and discharged from all trusts, the house and lot of land mentioned in the said will, as the house number one hundred and five Arch street, in the said city: *Provided*, The proceeds of the said sale shall be held and invested by the said executor and trustee, (without liability of the purchaser,) under and for the same uses, trusts, and for the same purposes, and with all the same responsibilities as attach to the precise terms of the devise in the said will.

Thomas Dunlap, executor of James Dunlap, authorized to sell certain real estate.

SECTION 24. That James Murry, of the county of Westmorland, and township of Franklin, shall have full power to convey in fee, to his daughter Nancy Cowan Murry, who is yet in her minority, a certain estate.

James Murry authorized to convey certain real estate.

tract of land, situate in Franklin township, on the waters of Turtle creek, in said county, containing one hundred and sixty acres, more or less, which said tract of land was conveyed by John Cowan and Nancy, his wife, to the said James Murry, in trust for his daughter Nancy, by deed dated the eighteenth day of March, one thousand eight hundred and thirty-nine; and the said deed of conveyance, when so made by the said James Murry, to the said Nancy Murry, shall vest in her the absolute title in fee simple, to said land; and from thenceforth the said James Murry shall be discharged from the duties and liabilities imposed upon him by the said deed of trust, and be divested of all interest in said land.

Barton Russell, guardian of William D. Russell, authorized to sell the undivided share in certain real estate.

SECTION 25. That Barton Russell, guardian of William D. Russell, a minor son of his deceased wife, is hereby authorized and empowered to sell and convey by deed, the undivided share and interest of the said minor, in the real estate of James Dean, deceased, late of Luzerne county; which sale may be either public or private, as the said guardian may prefer: *Provided*, That before any such deed shall be executed and delivered, the said guardian shall make report of such sale to the orphans' court of the county in which the lands sold are situate; and if the said court approve the sale, confirmation absolute shall thereupon be entered upon the report, and the said guardian shall forthwith execute a bond, to be filed in the said court, in such amount and with such security as the said court shall direct and approve, with like condition as though sale had been made under an order of the said court.

Abram Bird, guardian of Jacob Fell, authorized to sell a certain undivided interest in certain real estate.

SECTION 26. That Abram Bird, guardian of Jacob Fell, a minor son of Jacob Fell, late of Luzerne county, deceased, be and he is hereby authorized to sell, at public or private sale, the undivided interest of the said minor, in any lands situate in the township of Pittston, in said county, and make deed or deeds to the purchaser or purchasers: *Provided*, That before any deed is executed and delivered, the said guardian shall make report of sale to the orphans' court of said county; and if the said sale shall be approved by said court, the said court shall order and direct the said guardian to file a bond, and the amount thereof, with security, with condition similar to the one now required by law in case of an order of sale to a guardian; and upon the filing of the bond, and approval of the security, the said court shall forthwith endorse an order of absolute confirmation of the sale.

Trustees under the will of George Pepper, authorized to apply the capital or principal of the personal estate, &c.

SECTION 27. That the trustees, or a majority of them for the time being, under the will of George Pepper, of the three sons and two daughters of the testator, whose shares of the residue of his estate are held in trust, and the guardians of the minor children of David Pepper, deceased, be and they are hereby authorized and empowered, from time to time, to apply a part of the capital or principal of the personal estate of such cestui que trust, or wards, in proportion to their respective interest in the said estate, as may be necessary in the erection and construction of suitable stores, with dwellings, or such other suitable buildings thereon, as they may deem expedient: *Provided*, That such power shall not be exercised by the said trustees and guardians, without the consent, in writing, of all the devisees in fee simple, or in full property of other portions of the said residue, and of the respective cestui que trusts and guardians, under his or her hand and seal: *And provided further*, That the court of common pleas of Philadelphia, shall approve of such application of part of the personal estate of the cestui que trusts and minors, in the improvement of said premises as aforesaid.

Further provisions.

SECTION 28. That the respective devisees in fee simple, or absolutely, of the said Chesnut street estate, or its proceeds of sale, together

with the said trustees, or a majority of them, and their successors in the trust for the time being, and the said guardians, and also the said minors, when of full age, and their heirs and devisees, be and they are hereby authorized and empowered, from time to time, to sell and convey, in fee simple, the whole or any part or parts of the respective shares or interests of the said devisees, cestui que trusts, and wards, in the said Chesnut street estate, after such improvements may be made, and for such price or prices as they may deem expedient, and without the purchasers being obliged to see to the application of the purchase money: *Provided*, That the said cestui que trusts shall, so far as *Proviso*, regards their respective shares, by writing, under their hands and seals, consent to such sales and conveyances; but nothing herein contained shall be deemed to repeal or impair the power of the executors of the said testator to sell and convey the said estate, before any such improvements be commenced thereon, by virtue of the power contained in this act.

SECTION 29. That the trustees and guardians of the persons aforesaid, shall be entitled to claim and receive in the settlement of their respective accounts, a credit for the amount of capital or principal so applied to the making of the said improvements, and that the said improved estate, until sale as aforesaid, and the proceeds of sale of the whole or any part thereof, appertaining to the cestui que trusts under the said will, and to the said minors respectively, shall be held, applied, and disposed of for the same uses and purposes, and under the same limitations, and with the same powers as the said testator has directed in regard to the proceeds of the said Chesnut street estate when sold, or if sold under the power or devise contained in his said will. Further provisions.

SECTION 30. That Sarah Kneass, James Magee, Horn R. Kneass, Napoleon B. Kneass and Frederick F. Kneass, executors named in the last will and testament of Christian Kneass, late of the city of Philadelphia, deceased, be and they are hereby authorized to sell by public or private sale, all that certain lot or piece of ground, with a certain three story brick messuage or tenement thereon erected, situate on the east side of Delaware Sixth street, between Spruce street and Prune street, in the city of Philadelphia, containing in front or breadth, north and south, twenty-two feet, and extending in length or depth, east and west, one hundred and seventy-seven feet more or less, to a certain court or piece of open ground, of the breadth of twenty-two feet east and west, and of the depth of fifty-seven feet, with the undivided third part of the soil of the said court, as the same was granted by the administrators of Thomas Billington, deceased, by indenture, dated the thirty-first day of July, Anno Domini, one thousand eight hundred and fifteen, recorded in the office for recording deeds, &c. for the city and county of Philadelphia, in deed book, R M R, number six, page four hundred and ten, &c., to George Latimer, John Dowers and John Porter, in fee, in equal third parts as tenants in common, north and south, left open by the said Thomas Billington, for the common use and convenience of the owners, tenants and occupiers of the lots, late of the said Thomas Billington, adjoining thereto, with or without cattle, horses, carriages connecting with ground left open by Edward Bonsal, communicating with a twenty feet wide alley leading into sixth street aforesaid, bounded northwardly by a messuage and lot of ground belonging to John Birkey, eastwardly by the said twenty-two feet wide court, southwardly by a messuage or lot of ground of Nicholas Thouron, and westwardly by Sixth street aforesaid, (being the same premises which Horn R. Kneass, of the city of Philadelphia aforesaid, attorney at law, by indenture, dated the sixth day of August, in the Sarah Kneass, James Magee, Napoleon B. Kneass and Frederick F. Kneass, executors of Christian Kneass, dec'd, authorized to sell certain real estate.

year of our Lord, one thousand eight hundred and thirty-eight, and recorded in the office for recording deeds, &c., for the city and county of Philadelphia, in deed book, S H F, number twenty-six, page ninety-one, granted and convey unto the said Christian Kneass in fee,) 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 or equity, which the said Christian Kneass, at and immediately before his death, had and held in the same, as fully and completely, and with like effect, as if said conveyance and assurance had been made and executed by the said Christian Kneass in his life time; and that the moneys arising from such sale, be invested by the said executors, agreeably to the intention and meaning of the said Christian Kneass, deceased, as expressed and contained in his last will and testament, with respect to his residuary estate: *Provided*, That before selling the same, the said executors shall give bond to the commonwealth for the use of the parties interested, with security to be approved by the orphans' court of the county of Philadelphia, conditioned for the faithful application of the proceeds: *And provided*, That before the execution of any deed or deeds for the same, the said sale shall be approved by the said court.

Proviso.

Amelia S. Morris, guardian of Charlotte Morris, Henry Morris and Sally Morris, authorized to convey the interest of said minor children in certain real estate.

SECTION 31. That Amelia S. Morris, sister and guardian of Charlotte Morris, Henry Morris and Sally Morris, minor children of Henry Morris, deceased, late of the city of Philadelphia, be and is hereby authorized to convey in fee simple or otherwise, the said minor children interest, property, claim and demand, that they or each of them, the said children, may or can have of, in and to the three story brick house and lot of ground, situate one hundred and seventy-nine north Seventh street, in the district of Spring Garden, now held in trust by William B. Hamilton, and that the said Amelia S. Morris; be and is hereby authorized to make a deed or deeds for the same, for the use of the said minor children, any law to the contrary notwithstanding: *Provided*, That the said sale shall be approved by the orphans' court of the county of Philadelphia: *And provided*, That before the execution and delivery of the deed of conveyance to the purchaser or purchasers, the said guardian shall give security, to be approved by the said court, for the faithful application of the purchase money. That Joseph Buckwalter, Benjamin Hartman and Moses Robinson, (the last trustees elected in pursuance of the provisions of said deed,) or any two of them, be and they are hereby authorized to sell at public or private sale, the lot of land aforesaid, bounded by land of Simeon Buzzard, Benjamin Wagoner and Jacob Vanderslice, and the building thereon, and convey the same to the purchaser in fee simple, and to apply the proceeds of said sale, first to the payment of all debts which were contracted or incurred in the erection of the said school house, and which remain unpaid, with interest, and the remainder after deducting expenses of sale, to be paid in equal proportions to the directors of common schools of the townships of Schuylkill and East Pikeland, to be applied to common school purposes.

Proviso.

Joseph Buckwalter, Benjamin Hartman and Moses Robinson, trustees, authorized to sell certain real estate.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.