

1797. is supplementary, estates are to be vested in several persons, as tenants in common.

SECT. IX. And whereas inconveniences have arisen, and may hereafter arise, from the want of notice being given to the parties concerned by executors, administrators and guardians, before the passing and allowing of their respective accounts: For remedy whereof, *Be it further enacted by the authority aforesaid*, That where any executor, administrator or guardian shall have stated and filed his account in the office of the Register for the probate of wills and granting letters of administration for the proper county, it shall be the duty of the said Register, and he is hereby required to give notice, in at least three of the most public places in said county, to all legatees, creditors, or other persons (as the case may be,) setting forth that such executor, administrator or guardian (as the case may be) has filed his account, and that the same will be presented to the Orphans' Court for confirmation and allowance, at the time and place for that purpose appointed, a copy of which notice shall also be set up in his office; and no such account shall be confirmed and allowed by the said court, unless such notice shall have been given, and a copy thereof set up in the office aforesaid, at least thirty days prior to the time appointed for such confirmation and allowance.

SECT. X. *And be it further enacted by the authority aforesaid*, That if any testator, after the passing of this act, shall devise or bequeath to his wife any portion of his estate, such devise or bequest shall be deemed and taken to be in lieu and bar of her dower out of the estate of her deceased husband, in like manner as if the same were so expressed, unless such testator shall, by his last will and testament, declare otherwise, any law, usage or custom of this commonwealth to the contrary in anywise notwithstanding, *Provided always nevertheless*, That nothing in this section contained shall deprive the widow of her choice either to dower, or the estate so devised or bequeathed. (c)

SECT. XI. *And be it further enacted by the authority aforesaid*, That all the bonds directed by law to be taken by the Registers for the probate of wills and granting letters of administration shall be hereafter in the name of the commonwealth of Pennsylvania, and that the second section of the act to which this is supplementary, be, and the same is hereby repealed, and made null and void.

Passed 4th April, 1797.—Recorded in Law Book No. VI. page 190.

(c) In what manner and time the widow shall make her election, see the act passed, relative to dower, 1st April, 1811.

CHAPTER MDCCCXLIII.

An ACT directing the sale of such of the barrack and city lots, as remain the property of this commonwealth.

[SECT. I. *BE it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly*

How notice shall be given, before the accounts of executors and administrators are passed.

A devise to a wife shall be deemed in lieu of dower;

but the widow may elect which to take.

Bonds taken by Registers shall be in the name of the commonwealth.

met, and it is hereby enacted by the authority of the same, That the Surveyor-General, Receiver-General, and Secretary of the Land-Office, be, and they are hereby, authorized and required, within three months from and after the passing of this act, to offer for sale, at public auction, all the barrack lots, the property of this commonwealth, within the Northern-Liberties, in the county of Philadelphia, and the said lots to sell for the best price that can be obtained.] 1797.

Barrack lots in Philadelphia and the Northern-Liberties be sold.

[SECT. II. *And be it further enacted by the authority aforesaid,* That the said Surveyor-General, Receiver-General, and Secretary of the Land-Office, be, and they are hereby authorized and required to sell, at public auction, to the highest and best bidder, all the lots of ground in the city of Philadelphia, the property of this commonwealth, which have not heretofore been appropriated by law.]

All public lots in Philadelphia to be sold.

[SECT. III. *And be it further enacted by the authority aforesaid,* That if the purchase money shall not be paid within six months, from and after the sale herein directed to be made, such lots as remain unpaid for shall escheat to the commonwealth, and be sold a second time at public auction, and the former purchaser shall be liable for the deficiency of such second sale.]

Proceedings on the default of any purchaser.

SECT. IV. *And be it further enacted by the authority aforesaid,* That upon the payment of the purchase money to the Receiver-General, and the same being by him certified to the Governor, a deed shall issue, in the same manner as patents for lands within this commonwealth do.

How patents shall issue.

SECT. V. *And be it further enacted by the authority aforesaid,* That all such claims for city lots, as were made by petition to the Executive Council, and remain undecided, may be renewed, by petition to the Judges of the Supreme Court, who shall thereupon proceed, as speedily as possible, to hear and determine the same; and if their determination shall be in favour of any such claim, they shall direct the Sheriff of the county of Philadelphia, by a jury of twelve freeholders, to make a valuation of the said claim, and to assign in satisfaction thereof, such and so many of the city lots, that may be unappropriated, as will, in their estimation, be equal to such valuation, which valuation and assignment shall be returned to the said Judges, who shall thereupon direct the Prothonotary to grant a certificate thereof, under the seal of the court, to the party interested, and upon such certificate it shall and may be lawful for the Governor to direct the Surveyor-General to lay out the same, and to grant a patent or patents therefor; but if no such unappropriated lots can be found, a certificate shall be granted for the amount of such valuation to the party, in whose favour the same shall have been made, agreeably to the provisions of the second section of the "Act to provide for the settlement of public accounts, and for other purposes therein mentioned," passed on the fourth day of April, one thousand seven hundred and ninety-two; but if the determination of the said Judges shall be against the claim of such petitioner or petitioners, the same shall be forever barred: *Provided always,* That no such petition shall be received or acted upon by the

Proceedings on claims for city lots.

Limitation of time for

1797. ^{presenting such claims.} said Judges, unless the same be presented to them, or filed with the Prothonotary, within twelve months from and after the passing of this act, unless it shall be first shewn to the said Judges, that the party or parties interested therein were prevented from so presenting the same by some legal disability, in which case it may be received and acted upon at any time within twelve months after the removal of such legal disability; and that nothing in this act contained shall be construed to prevent or bar any suit against such patentee or patentees, on behalf of any person or persons, other than this commonwealth, touching or concerning any of the lots or the titles that may be so granted in pursuance of the provisions of this act.

Passed 5th April, 1797.—Recorded in Law Book No. VI. page 197.