

expense: Provided such half does not exceed five hundred dollars, to be paid out of the arrearages of state taxes due from the county of Berks, and an order for the other half not exceeding five hundred dollars, on the treasurer of Northumberland county, to be paid as aforesaid; for the payment of which sums the respective treasurers shall have credits in the settlements of their accounts with the commonwealth: Provided nevertheless, that the said commissioners may advance by drawing orders as aforesaid, any part not exceeding one half of the sum mentioned in the contract to the undertakers of the work, upon their giving bond with sufficient security to refund the money advanced if the contract is not complied with.

Approved April 2 1804. Recorded in L. B. No. 10, p. 11.

CHAPTER MMCDXCVIII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT DIRECTING THE DESCENT OF INTESTATES REAL ESTATES AND DISTRIBUTION OF THEIR PERSONAL ESTATES, AND FOR OTHER PURPOSES THEREIN MENTIONED." (*)

Whereas by the laws regulating the distribution of intestate estates, no provision is made for the sale of estates, which not being capable of division have been or hereafter may be appraised, and which none of the heirs or representatives of such intestate are able or willing to take at such appraisement, and by reason thereof the proceedings in the orphans court (which is considerably expensive) may be abortive, and the parties constrained either to await the mutual consent of each other, to dispose of the estate, or sell out by undivided interests at great disadvantage: For remedy whereof,

Section I. (Section I, P. L.) 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 where any person hath died or hereafter may die intestate, seized of real estate in this commonwealth, subject to partition or valuation, as pre-

scribed by the act⁽¹⁾ to which this is a supplement, which real estate cannot be divided, but hath been or shall be appraised, and none of the children or other legal representatives of the deceased, will take the same at the valuation, it shall then be the duty of the orphans court, on the application of any one of the children, or other legal representative, to grant a rule upon all the heirs or other persons interested in such estate, to show cause on the first day of the next regular session of said court, why the estate of the intestate should not be sold: Provided, a copy of such rule be served on such of the heirs or representatives interested, as reside in the county where the estate lies, by delivering it to the person, if of age, or his or her guardian, if a minor, or by leaving a copy thereof at their usual place of abode at least twenty days before the time of holding the court, as aforesaid; and that notice shall be given to such of the heirs or other legal representatives as live out of the county in which the estate lies, by publishing a copy of said rule, certified by the clerk of the orphans court, in the newspaper printed in the county, if any be there printed; and if not, in the newspaper published nearest to such county, at least four weeks previously to the court; and if cause be not shown to the said court according to the said rule, it shall and may be lawful for the said court, and they are hereby enjoined and required, on due proof of notice of the aforesaid rule being given, to make an order or decree commanding the executor or executors, administrator or administrators (as the case may be) to expose the real estate of the intestate to public sale, on the premises, on a day certain, upon such terms as the court may think proper to direct; of all which the executor or executors, administrator or administrators, shall give at least ten days notice, by advertisement in the newspaper printed in such county, if any there be, and if none, then in that nearest to the county where the land lies.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That upon such sale made as aforesaid, and return thereof to the aforesaid court, it shall be the duty of said court, and they are hereby required, on motion

of the purchaser, to confirm the sale, and to decree the estate in the premises, so sold, to be transferred and vested in such purchaser, as fully as the intestate held the same at his decease, subject and liable to the payment of the purchase-money, according to the terms prescribed by the court in the order of sale; and said court shall cause the proceeds of such sales to be distributed, in such manner as according to law and justice may be proper.

Approved April 2, 1804. Recorded in L. B. No. 10, p. 12.
Note (*) Chapter 1751; 15 Statutes at Large, p. 80.

CHAPTER MMCDXCIX.

AN ACT TO PROVIDE FOR THE PAYMENT OF A CERTAIN BALANCE OF PURCHASE MONEY YET DUE AND REMAINING CHARGED ON LANDS, WHICH HAVE BEEN PATENTED ON WARRANTS OBTAINED SINCE SURVEYS WERE ORIGINALLY MADE IN PURSUANCE OF OLD PROPRIETARY WARRANTS AND LOCATION, AND FOR OTHER PURPOSES.

Whereas it appears, from the papers in the land office of this state, that many persons who held lands under proprietary warrants or locations, have, as is apprehended, in order to obtain patents for the same at reduced prices, procured new warrants from the state, on which, in most cases, patents have issued, thereby endeavouring to avoid the payment of part of the principal and interest due on their original contracts, and at the same time rendering the titles of those who are purchasers under them insecure: Therefore,

Section I. (Section I, P. L.) 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 from after the passing of this act, on the application of any person or persons holding a warrant or warrants for lands within this commonwealth, issued under the authority of the same, on which surveys have been made, or patents issued, and who are also in possession of the title to the same land, or any part thereof, by virtue of a proprietary warrant or location, and who are now desirous of doing justice to the state by patenting their said