

should have the said share or fifth part, but if she should die before him, then her children should have their father's share, by the terms of which said devise the executors named in the will are empowered to retain the said share of personal estate, amounting to about two hundred and eighty pounds, in their hands, without paying interest therefor until the contingency, upon which the legacy is to be paid, shall happen by the death of the said Philip or Maria. And whereas the said Philip and Maria, and the said executors have petitioned that a law may be passed authorizing the said executors to purchase lands to the amount of the said legacy, in trust for the uses and purposes declared by the will; and it is right and proper to grant a request so manifestly for the benefit of all concerned: 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 John Wilt and George Shettle, executors of Paul Wilt of Dover township, York county, deceased, or the survivor of them, be, and they are hereby empowered to invest the money now in their hands, bequeathed by the will of the said Paul Wilt to his daughter Maria, the wife of Philip Weldy, and her children, in the purchase of land, to be held by the said executors in trust for the person or persons to whom the said money is bequeathed by the said will, until the contingency therein mentioned, shall happen, when the said land be vested in the person or persons who by the said will would be entitled to the said money.

Approved March 26, 1808. Recorded in L. B. No. 11, p. 234.

CHAPTER MMCLXXVII.

AN ACT TO AMEND CERTAIN PARTS OF AN ACT, ENTITLED "AN ACT SUPPLEMENTARY TO THE SEVERAL ACTS OF THIS COMMONWEALTH, CONCERNING PARTITIONS, AND FOR OTHER PURPOSES THEREIN MENTIONED." (1).

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 instead of the provision in the third section of the act entitled "An act supplementary to the several acts of this commonwealth concerning partitions, and for other purposes therein mentioned," passed April seventh, one thousand eight hundred and seven,⁽¹⁾ which requires the publication of the copy of the writ of partition in certain cases in one daily newspaper of the city of Philadelphia, for the space of two months prior to the return day thereof, which by experience is found to be grievous and unnecessarily expensive, it shall be sufficient to make publication of the nature and substance of any such writ of partition; and if such publication be made in such daily newspaper one day in each week for six weeks successively, prior to the return day of the writ, and in the same manner in one newspaper printed within or nearest to the county where such writ is to be executed, it shall be deemed an effectual service in the cases by the said section intended to be provided for, anything therein to the contrary notwithstanding.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the publication of the notice required in and by the eighth section of the said act,⁽¹⁾ after an appraisement or partition of an intestate's estate, shall be deemed sufficient if published in at least one newspaper, printed in the proper county, or if there be none therein, then in the county nearest thereto wherein a newspaper may be published, and at least once a week for four weeks successively, prior to the return thereof, in one daily newspaper of the city of Philadelphia. And on any application for a valuation or partition of an intestate's estate, where any of the children or legal representatives reside out of the county wherein the lands lie, notice in like manner may be given where personal notice cannot be given as required by the said section of the time and place of executing the order of the court and taking the inquisition thereon, and if upon the return of any such inquisition, all the children or legal representatives of the intestate shall appear in court personally or by guardian or attorney in fact duly constituted, and refuse to accept of the estate or any part thereof if divided at the valuation there-

of, and shall unanimously desire the same or any part to be sold by the order of the court, the said court may order or decree the sale thereof without granting any rule to show cause why the said estate or part thereof should not be sold, any practice to the contrary notwithstanding: and to remove doubts, all proceedings heretofore had and decrees made in the orphans' court in pursuance of the act, entitled "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," passed April second, one thousand eight hundred and four,⁽²⁾ or of the act⁽³⁾ which is hereby amended where notice has been given in the newspapers of the application for a partition or valuation, or whereby the consent of the legal representatives to a rule to show cause has been waived, if otherwise legal, are hereby declared to be valid.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That where the orphans' court of any county hath heretofore decreed, or hereafter may decree a sale of an intestate's real estate or part thereof, by the administrators, the said court is hereby authorized to require and take sufficient security from such administrators conditioned for the faithful execution of the power committed to them in making such sale, and truly to account for and pay over the proceeds thereof in such manner as the said court shall legally decree.

Approved March 26, 1808. Recorded in L. B. No. 11, p. 235.

Note (*). Chapter 2825; Supra this volume, p. 508.

Note (*). Chapter 2498; 17 Statutes at Large, p. 838.

CHAPTER MMCMLXXVIII.

AN ACT MAKING APPROPRIATION FOR THE IMPROVEMENT OF THE STATE ROAD LEADING FROM PHILADELPHIA THROUGH WEST CHESTER TO STRASBURG, AND ALSO FOR THE BUILDING AND REPAIRING OF BRIDGES IN DELAWARE COUNTY.

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