

by the authority of the same, That a straight line, beginning in the middle of the Watergap in the Tuscarora mountain, and from thence to the river Juniata, in such direction as to include Joseph Galloway's farm within Huntingdon county, at the mouth of Galloway's run, shall be the boundary line between Huntingdon and Mifflin counties, on the south side of Juniata; and the governor is hereby authorized to appoint one commissioner to run and mark the same, as soon as may be after the passing of this act, and the expense of running and marking the said line to be paid equally by the counties of Huntingdon and Mifflin.

Passed March 29, 1792. Recorded L. B. No. 4, p. 307.

CHAPTER MDCXVIII.

AN ACT TO ENABLE EXECUTORS AND ADMINISTRATORS, BY LEAVE OF COURT, TO CONVEY LANDS AND TENEMENTS CONTRACTED FOR WITH THEIR DECEDENTS, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas it frequently happens that persons having contracted for the sale of lands and tenements within this commonwealth, depart this life without making provision, by will, for the performance of such contracts, leaving their heirs within age, whereby executors and administrators are prevented from collecting and administering the purchase moneys, and the purchasers are for a long time without titles: 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 from and after the publication of this act, any person or persons having any contract in writing, or other written evidence of contract, whereby any deceased person or persons hath or have covenanted, agreed, promised or bound him, her or themselves, to convey any lands

or tenements within this commonwealth, to him, her or them, or to any person or persons whom he, she or they may represent, which contract had not been complied with in the lifetime of the deceased, and no sufficient provision for the performance of such contract or contracts appears to have been made by the decedent in his lifetime, such person or persons having such contract, or evidence of contract, whether in his, her or their own right, or as attorney, agent, trustee or guardian for another or others, shall, before he, she or they bring any action or suit thereon, against the executors or administrators of the deceased, cause and procure the said contract to be proved in the supreme court of this commonwealth, or in the court of common pleas of the county wherein the lands or tenements contracted for shall lie, which probate being adjudged by the said court to be sufficient, the prothonotary of such court shall indorse on, or annex the same to the said contract, or to a copy of the evidence thereof, and certify the same under his hand and the seal of the said court, and thereupon the same shall be recorded in the rolls office of this commonwealth, or in the office for recording of deeds of the county wherein the lands and tenements contracted for shall lie; and thereupon it shall and may be lawful for the executors or administrators of the said deceased, or the survivors or survivor of them, to present a petition to the said courts respectively, praying leave to make and execute a deed, conveying to the purchaser or purchasers, his, her or their heirs or assigns, the said lands and tenements contracted for, with the appurtenances for such estate or estates, and in such manner and form as the said court shall judge to be consistent with the true intent and meaning of the contract, and the said court having considered the prayer of the said petition, and the contract or evidence of contract whereupon it is founded, and having adjudged the same to be obligatory between the parties, shall make an order, authorizing and empowering the said petitioner or petitioners to make and execute such conveyance as aforesaid, and the same being made and executed, and proved or acknowledged according to law, shall be of the same force and effect to pass and vest the estate intended,

of and in the lands and tenements aforesaid, with the appurtenances, as if the same had been executed by the decedent or decedents, in his, her or their lifetime.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the executors or administrators of any such decedent having a counter part of such contract, or any other contract, or evidence of contract, for the payment of the consideration moneys for any lands or tenements agreed to be sold, but not conveyed by the decedent or decedents, in his, her or their lifetime, to cause the same to be proved, and to present a petition in manner aforesaid, whereupon the same proceedings shall be had, and with the same force and effect, as is hereinabove directed, where the purchaser or his representative shall procure such contract to be proved. Provided always, nevertheless, That no deed, to be executed in pursuance of this act, shall discharge the lands and tenements to be thereby conveyed, from the lien of the consideration money therefor, until it shall be actually paid or secured, according to the terms of the contract.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall commence or prosecute any action or suit against the executors or administrators of any person deceased, upon such contract, without first causing or procuring the same to be proved and recorded in manner aforesaid, and giving notice thereof to the defendant or defendants, and allowing him or them time, until six weeks after the next succeeding court, to apply for leave to execute a deed for the specific performance of the contract, in manner aforesaid, such plaintiff or plaintiffs shall not be entitled to recover damages or costs for the non-performance of such contract, if the defendant or defendants shall plead, and upon the trial prove, that he, she or they were always ready, on reasonable notice, to perform the same, and shall, before the trial, produce in court a deed of conveyance pursuant to the contract, duly made and executed according to the forms by this act required.

(Section IV, P. L.) And whereas great inconveniences are often sustained, in cases where lands, tenements or hereditaments are devised to be sold by executors, from the want of power in such executors to bring actions for the recovery of possession thereof, and against trespasses thereon, and otherwise manage such estates, for the benefit of those who may be interested therein:

[Section IV.] Be it further enacted by the authority aforesaid, That when by the last will and testament of a decedent, a naked authority only to sell lands, tenements or hereditaments, shall be given to executors, they shall take and hold the same interest in such lands, tenements or hereditaments, and have the same powers and authorities respecting the same, as if the said lands, tenements or hereditaments were devised to them to be sold, saving always to every testator the right to direct otherwise.

Passed March 31, 1792. Recorded L. B. No. 4, p. 308. See Act of Assembly passed March 12, 1800, Chapter 2124.

CHAPTER MDCXIX.

AN ACT FOR ANNEXING THE LOGANIAN LIBRARY TO THE LIBRARY BELONGING TO THE LIBRARY COMPANY OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas James Logan, formerly of Stenton, in the county of Philadelphia, squire, influenced by the patriotic desire of extending the benefits of learning among his fellow citizens, by deed, bearing date the eighth day of March, one thousand seven hundred and forty-five, conveyed to certain trustees, therein named, a lot of ground situate on the west side of Sixth street, in the city of Philadelphia, between Chestnut and Walnut streets, with the building thereon erected, and a large and valuable collection of books, for the use of the inhabitants of the city of Philadelphia; and for the support of the said institution, by the same deed, he vested in the said trustees