

No. 50.

A SUPPLEMENT

To the acts of assembly relating to the real estate of Charles Wharton, late of the city of Philadelphia, deceased.

Certain powers
vested in trustee.

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 William Wharton, the remaining trustee appointed by the will of Charles Wharton, late of the city of Philadelphia, deceased, for that part of his real estate which was devised by him, in trust, for his daughter Hannah Hollingsworth, her husband and children, and every person who may hereafter be lawfully appointed his successors in the said trust, shall have and hold all the estate in the premises, and shall be invested with, and be competent to execute all the powers and authorities given to or conferred upon the two trustees named in the said will, either by the said will, or by the present or any act of assembly heretofore passed in relation to the estate so devised as aforesaid.

SECTION 2. AND WHEREAS, By the second section of an act passed on the twentieth day of January, Anno Domini, one thousand eight hundred and forty-one, entitled "An Act relating to the estate of Frederick Holman and Charles Wharton," as explained and amended by the eleventh section of an act passed on the twenty-third day of April, Anno Domini, one thousand eight hundred and forty-one, entitled "An Act to authorize Isaac Davis, and others, trustees, &c., to sell and convey certain real estate, and for other purposes;" it was enacted that the trustee or trustees for the time being, of that part of the real estate of said Charles Wharton, which was devised by him in trust, for his daughter, Hannah Hollingsworth, her husband and children should have power to sell and convey, on ground rent, all or any of the lots of ground so devised.

Trustee authorized to sell certain property.

Now, it is further enacted by the authority aforesaid, That the trustee aforesaid, for the time being, during the lives of the said Hannah, and her present husband, and of the survivor of them, shall have the like and as full power and authority to sell and convey, in fee simple, upon ground rent, from time to time, any lot or lots of ground, upon which buildings may have heretofore been, or may hereafter be erected, as are given by the said acts in the case of vacant lots; and all the clauses and provisos in the said sections of the said acts relative to the sale of lots, shall be taken and deemed to apply to the sales authorized by this act, as if herein inserted and re-enacted.

Power to repair and improve property.

SECTION 3. That for the purpose of enabling the trustee for the time being, of the said estate, to repair or improve such parts of the said estate as may require repair or improvement, it shall be lawful for the said trustee, during the lifetime of the said Hannah Hollingsworth, and of her present husband, and of the survivor of them, with their consent and approbation, or with the consent and approbation of the survivor, as the case may be, to be testified by them, or his or her joining in the execution of the deed to sell and convey from time to time, in fee simple, for the best price that he can obtain for the same at public

or private sale, any other part or parts of the said real estate, so devised; and any ground rents that may have been, or may hereafter be reserved upon any conveyance of any part of the real estate so devised, or from time to time to mortgage any part of the real estate so devised, to secure the repayment of any money that may be borrowed by him for such purpose or purposes; and the proceeds of every such sale and all money that may be borrowed upon any such mortgage, shall be applied by such trustee to the repair and improvement of such parts of the said real estate, as may be directed by the said Hannah Hollingsworth, and her present husband, and the survivor of them, and not otherwise, or for any other purpose.

SECTION 4. That for the purpose of enabling the said trustee for the time being, to purchase a suitable place of residence for the said Hannah Hollingsworth, or her family, it shall be lawful for the said trustee, for the time being, during the lifetime of the said Hannah, and of her present husband, and of the survivor, with the consent of the said Hannah, and of her present husband, or of the survivor, as the case may be, to be testified by them, or his or her joining in the execution of the deed or deeds, to sell, for the best price that he can obtain for the same, at public or private sale, any other part or parts of the real estate so devised; and any ground rents that may have been or may hereafter be reserved on any conveyance of any part of the said real estate, and to execute all proper and necessary conveyances for the same; and to invest the proceeds of such sale or sales, or such portion thereof as may be requisite in the purchase of such other real estate, suitable and proper for the residence of the said family, as may be directed and appointed by the said Hannah, and her present husband, or by the survivor of them, as the case may be; and thereupon to take a conveyance of the real estate so purchased to himself, the said trustee, in fee simple, upon the like trusts, as are mentioned and declared in the said will, relative to the real estate, so as aforesaid devised, in trust for the said Hannah Hollingsworth, her husband and children.

SECTION 5. *Provided*, That before the said trustee shall execute any absolute conveyance or mortgage, under any authority given by either of the preceding sections of this act, he shall give security, to be approved by the judges of the orphans' court for the city and county of Philadelphia, for the due and faithful application of the money raised by sale or mortgage according to the provisions of this act; and upon such security being given, the purchaser or mortgagee, as the case may be, shall take and hold the estate so purchased or mortgaged free and clear from all and every the trusts and trust, in the said will mentioned and declared, of and concerning the same; and such purchaser or mortgagee, as the case may be, shall not be bound to see to the application of the purchase money, or of the money so borrowed on mortgage.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The second day of March, one thousand eight hundred and forty-four.

DAVID R. PORTER.