

No. 64.

AN ACT

Authorizing William Mills to collect certain outstanding taxes in the borough of Chambersburg.

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 the chief burgess of the borough of Chambersburg, in the county of Franklin, be and he is hereby authorized and required to issue new warrants to William Mills, collector of borough taxes for the said borough, for the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one, empowering him to collect certain outstanding taxes on his duplicates for said years, and the said warrants when so issued shall be sufficient in law to enable him to collect said outstanding taxes, and he shall have the same powers under them as were granted to him by the warrants originally issued on said duplicates.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 65.

A SUPPLEMENT

To "An Act relative to certain parts of the estate of Elizabeth Powel, deceased."

Preamble.

WHEREAS, Elizabeth Powel, by her last will and testament, proved in the register's office of the city and county of Philadelphia, on the twenty-fifth day of January, A. D. eighteen hundred and thirty, did devise a certain lot of ground and buildings on the north side of Chesnut street, between Sixth and Seventh streets, where she then resided, with the appurtenances, to her nephew John Hare Powel, for life, without impeachment of waste, with full power to lease the whole or any part thereof, upon irredeemable ground rents for ever, and to lay out and open alleys through the same; and did further devise that so far as the same should not be let out on ground rent as aforesaid, the said lot and buildings together with any ground rents thereout created during the life

of the said John Hare Powel, should upon his death be sold by her executors or the survivors or survivor of them in fee simple: *Provided*, The said John Hare Powel should then have a child or grand-child living, and the net proceeds thereof be equally divided between such of the children of the said John as might then be living, and the testatrix's great nephew John Sterling, so that the said John Sterling should have an equal share thereof with each and every of the said children; and with further provision that the issue of any deceased child of the said John Hare Powel should take their parent's share, and that if the said John Sterling should then be dead, leaving a child or children, the said child or children should in like manner take their parent's share; but in case at the decease of the said John Hare Powel no one of his children or grand-children should be then living, the testatrix then devised the said lot of ground and buildings, with any ground rents which might be so reserved, to the said John Sterling, in fee simple, or in case of his death, to such of his children as might then be living, in fee simple as tenants in common.

And whereas, The said John Hare Powel having been unable to dispose of the said lot or any part of it upon irredeemable ground rents, without a great sacrifice to those in remainder, proceeded to improve the same with his own funds at a great expense, and the difficulty of disposing of the same, reserving irredeemable ground rents according to the power in the will, has, from the general course of business in the buying and selling estates on irredeemable ground rents, become insuperable, without an immense sacrifice in point of value.

And whereas, Samuel Powel, De Veaux Powel and Baring Powel, being all the children of the said John Hare Powel, who are not in their minority, as well as the said Sterling, have expressed their assent to the legislature that an act shall be passed authorizing the said John Hare Powel to reserve a redeemable rent or rents upon the execution of the said power, in the manner hereinafter mentioned; therefore,

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 the said John Hare Powel be and he is hereby authorized to grant, bar, John Hare Powel gain and sell to any person or persons in fee simple, all or any part or authorized to sell parts of the aforesaid lot of ground and buildings thereon erected, situate real estate. on the north side of Chesnut street, in the city of Philadelphia, formerly the residence of Elizabeth Powel, containing in front about seventy-three feet eight inches, and extending in depth one hundred and fifty feet to Carpenter street, be the same more or less, with the appurtenances, reserving as the entire consideration of what is so bargained and sold, a perpetual annual rent or rents in trust for the purposes of the Ground rents. said last will, payable quarterly and redeemable or extinguishable within any number of years, not less than two from and after the execution of the said conveyance or conveyances, respectively, by the payment of a sum of money not less than sixteen years and two-thirds of a year purchase of the said annual rent: *And provided further*, That the redemption or extinguishment money shall be made payable to trustees, to be previously appointed by the court of common pleas of the county of Philadelphia, or to their legal or duly appointed successors or successor in the trust, by whom alone the release of the said rents shall be executed, and when paid shall be by him or them invested under the Investment. authority of the said court in debt of the United States or of this state, or of the city of Philadelphia, or in real securities in his or their name or names, in trust, as to both principal and interest, for the same persons,

estates, uses, and trusts, declared in the said will of and concerning the said lot of ground and buildings, and the irredeemable rents reserved thereout respectively, and subject to the like power of sale by the executors of the said will, on the death of the said John Hare Powel, so far as the said rents shall not be then extinguished; but no person paying the said redemption money shall be bound to see to the investment or application thereof.

Rents, to whom paid.

SECTION 2. The said John Hare Powel, without the joinder of the said trustees, shall, during his life, and so long as the said rents shall remain unredeemed, be authorized to demand and receive the said rents reserved for his own use, and to recover the same by distress or suit at law in his own name, in like manner as if the said trustees were parties to such distress or suit, or as if the covenant for payment thereof had been made with the said John Hare Powel and his heirs alone.

Extinguishment.

SECTION 3. The rents so as aforesaid reserved, shall, until redemption, be of the same validity as if the same had been reserved irredeemably according to the power in the said will; and when the same shall be extinguished as aforesaid, the said rents shall cease, and the lot and buildings shall, by virtue of the release or releases so given by the said trustees, who are hereby authorized to execute the same, be discharged therefrom, and from all claim by all persons claiming or to claim under the said will, as if they had joined in the execution of the said release and releases; and upon the death of the said John Hare Powel, the said rents or such parts thereof, and the said lot of ground and buildings, and the said rents so far as they shall not have been redeemed, and the securities in which the said redemption money shall have been or shall then be invested, shall be subject to the same powers of sale and distribution by the executors of the said will, and by the survivors or survivor, and for the use of the same person and persons, as are declared in the said will in regard to the said lot and buildings, and any irredeemable rent that might have been created or reserved thereout.

Trustees' bond.

SECTION 4. The trustees directed to be appointed by the first section of this act, are required, before they proceed to the performance of their duties, to execute a bond to the commonwealth of Pennsylvania for the use of all persons interested with sufficient security, and in such penalty as the court may direct and approve, with conditions for the faithful application of the redemption or extinguishment money received by them, agreeably to the provisions of the first section of this act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.