

## No. 17.

## AN ACT

To provide for the completion of the Eastern and Western reservoirs.

**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 sum of thirty thousand dollars be and the same is hereby appropriated for the completion of the Eastern reservoir, and the further sum of twenty thousand dollars is hereby appropriated towards the completion of the Western reservoir.

Appropriation to reservoirs.

Canal Commis'srs to proceed to complete.

Bond.

Appointment of superintendents.

**SECTION 2.** That the canal commissioners be and they are hereby authorized and required to proceed with the completion of said reservoirs with the least practicable delay, by placing the same under contract after due and ample notice to the lowest bidder or bidders, who shall enter into bond to the commonwealth, with one or more sufficient sureties, to be approved by the canal commissioners, in amounts equal to the sums respectively appropriated by this act for the faithful performance of their contracts; or if the said canal commissioners shall deem it more expedient for the interests of the commonwealth, they may by the employment of superintendents and workmen, proceed to finish the same under their own immediate direction and supervision.

FINDLEY PATTERSON,  
*Speaker of the House of Representatives.*

DANIEL L. SHERWOOD,  
*Speaker of the Senate.*

APPROVED—The thirty-first day of January, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

## No. 18.

## AN ACT

To authorize John Poulson and Charles Augustus Poulson, trustees, to sell certain real estate.

Preamble.

WHEREAS, Zachariah Poulson, late of the city of Philadelphia, deceased, in and by his last will and testament, duly proved in the office for the probate of wills at Philadelphia aforesaid, on the eighth day of August, Anno Domini, eighteen hundred and forty-four, did, in the "first item" of his said will, devise unto his three children, John Poulson, Charles Augustus Poulson and Susan Poulson Dobson, three

several lots or pieces of ground, situate on the south side of Chesnut street, between Delaware Third, and Fourth streets in the said city, bounded on the north by Chesnut street, on the west by Carpenter's court, on the south by the property of the Carpenter's company and Abbott and Barnes' three story brick store house, and on the east by Whalebone or Hudson alley, with the appurtenances; each of his said children to have, and to hold the said premises, in thirds, for life, with remainder to their children in fee. And in the "second item" of the said last will and testament, the testator, after reciting the said devise in the "first item" of his said will contained, provides as follows, to wit: "Now upon further reflection, and with the intention to render the said real estate and property more beneficial to my said three beloved children respectively, it is my will, and I do fully authorize and empower them, my said three beloved children, or the survivors or survivor of them, if they shall mutually agree thereto, and deem it to their advantage, to bargain and sell, and absolutely dispose of my said messuage or tenement, called the Tremont house, and other the messuages and tenements and lot and lots of ground aforesaid, and real estate and property, comprehended within the bonds aforesaid, in one entire lot, as the store and two tenements on Hudson's alley are so situated, as to afford great and additional value and accommodations to Tremont house, together with the privileges, improvements and appurtenances, unto any person or persons, and at private sale, or sales in their discretion; and to sign, seal, execute, acknowledge and deliver in due form of law, all such deed and deeds, conveyances, assurances in the law whatsoever, as shall be necessary for granting, conveying and assuring the same, and the absolute fee simple and inheritance thereof, unto the purchaser or purchasers thereof, and his, her or their heirs and assigns forever, in absolute fee simple, free and discharged of, and from all and every, or any trusts, uses and limitations whatever: *Provided*, That the whole amount of the purchase money of such sale, if invested in mortgages, shall yield an annual legal interest, equal to the rents which would arise from the said real estate and property, under a new lease of the same. And it is my will, that the purchaser or purchasers of the said real estate and property, and their heirs and assigns, shall hold the same discharged as aforesaid, and free, and discharged moreover, from all obligation to see to the application of the purchase money, and from all liability for, or on account of any mis-application or non-application of the same; and I do hereby give and bequeath all the money which shall proceed from the said sale, unto my said three children, John Poulson, Charles Augustus Poulson and Susan Poulson Dobson, equally, to be divided between them part and share alike, that is to say, one full third part thereof to each of them absolutely forever; and it is my will and meaning, that such sale shall revoke, annul and make void the devise disposition and arrangements hereinbefore in this my last will and testament contained, as to the said real estate and property hereby authorized to be sold as aforesaid, any thing hereinbefore contained to the contrary thereof, in any wise notwithstanding."

*And whereas*, In the third and fourth items of this said last will and testament, the said testator did value the house in which he resided at the time of his death, situate in Chesnut street aforesaid, between Delaware Third, and Fourth streets, but not included within the boundaries hereinbefore described, at the sum of twenty-four thousand dollars; and did give and devise the same unto his daughter Susan Poulson Dobson, "to have and to hold the same unto her, the said Susan Poulson Dobson, her heirs and assigns forever; she or they paying thereout, unto (my said son,) John Poulson, his executors or administrators, the sum

of eight thousand dollars; and unto (my said son) Charles Augustus Poulson, his executors or administrators, the like sum of eight thousand dollars; which said two several sums of money I do hereby charge as liens upon my said messuage and lot of ground last above mentioned, so devised to my said daughter Susan Poulson Dobson aforesaid, to be thereout paid in such convenient instalments, as may be agreed upon between her and her two brothers, with legal interest, in equal half yearly portions, which interest shall commence three months after the day of my decease." And the said testator, by a second codicil to his said last will and testament, for certain reasons therein set forth, did "revoke and annul" the said valuation of the said last mentioned premises, and did fix the same at the sum of eighteen thousand dollars, at which valuation he devised the said property as follows, to wit:—"I do hereby give, devise and bequeath the same unto my two beloved sons, John Poulson and Charles Augustus Poulson, and to the survivor of them, and to the heirs, executors, administrators and assigns of such survivor, in trust nevertheless, for the sole and separate use, and benefit and behoof of my said beloved daughter Susan Poulson Dobson, and to her children, all the said messuage, lot of ground and premises now occupied by me, with the policy of insurance, as is more particularly described in the third and fourth items of my said last will and testament, she or they paying thereout, to each of her two brothers, their executors and administrators, the sum of six thousand dollars, in the way and manner as is specified in the fourth item of my said last will." And in and by the said second codicil, the said testator did give, devise and bequeath unto the said John Poulson and Charles Augustus Poulson, the trustees before named, the "one-third part of the clear income and rents arising from Tremont house, and from the tenements in Hudson's alley, as well as all the other bequests made to his said daughter, mentioned in his said last will and testament, to be held by them in trust, for the sole and separate benefit and behoof of his said daughter Susan Poulson Dobson, and for the benefit of her children."

*And whereas,* The said Susan Poulson Dobson, having died in the lifetime of the said testator, leaving two children, Jean Dobson and Zachariah Poulson Dobson, the said testator in and by a third codicil to his said last will and testament, duly proved as aforesaid, after reciting the said trust created by his said second codicil, and noting the death of his said daughter, did provide as follows, to wit: "I do therefore, now again, as aforesaid, create in this my said third codicil, my two beloved sons, John Poulson and Charles Augustus Poulson, the trustees as before mentioned, of my said beloved daughter's two children, to wit: Jean Dobson and Zachariah Poulson Dobson, and I do hereby re-invest in them, their heirs, executors, administrators and assigns, the one-third part of all my property mentioned in my said last will and testament, and in my said second codicil connected therewith, in trust nevertheless, for the sole and separate benefit, use, and behoof of my said two beloved grand-children, to wit: Jean Dobson and Zachariah Poulson Dobson, their heirs, executors, administrators and assigns, to be held by them respectively, share and share alike, forever, as tenants in common, and not as joint tenants, and to and for no other use, intent or purpose whatsoever, and so as the same shall not be in the power or liable to the debts or engagements which may be contracted by their father; and in case of the death of either of them, leaving no lawful issue, the share of the deceased shall then pass, devolve, and be possessed and held by the survivor of them, and such survivor shall become the sole proprietor, and to have and to hold the same in fee simple."

*And whereas,* The sale of the said real estate described in the first item of the said will, and the payment of the two heirs, of six thousand dollars each, created as aforesaid by the said testator, on the house in which he resided, described in the third and fourth items of his said will, will be advantageous to the *cestui que trusts*, and to the other parties interested therein; and Jean Dobson who is not now a minor, and Judah Dobson the guardian of Zachariah Poulson Dobson, have expressed their assent to the legislature, that an act shall be passed authorizing the said sale and the payment of the said liens; 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 Poulson and Charles Augustus Poulson, or the survivor of them be, and they, and he is, and are hereby authorized to grant, bargain, and sell to any person or persons in fee simple, the whole or any part of the said real estate described in the first item of the said last will and testament, situate on the south side of Chesnut street, between Delaware Third and Fourth streets, in said city, bounded on the north by Chesnut street, on the west by Carpenter's court, on the south by the property of the Carpenter's company, and Abbott and Barnes' three story brick store house, and on the east by Whalebone or Hudson's alley, together with the privileges, improvements and appurtenances thereto belonging; and to make, execute, acknowledge and deliver a good and sufficient deed or deeds to the purchaser or purchasers thereof, in fee simple, acknowledging by a receipt or receipts the payment of the full consideration money therein mentioned, altogether discharged from any and every use, trust, contingency, proviso, limitation, or restriction created by the said will and codicils, and from any obligation on the part of the purchaser or purchasers, to see to the investment or application, mis-application or non-application of the purchase money or any part thereof, in any event whatever.

Trustees authorized to sell.

Property.

Make title.

SECTION 2. That the said John Poulson and Charles Augustus Poulson, or the survivor of them, be and he and they is, and are hereby authorized to appropriate so much of one-third part of the proceeds of the sale authorized by the first section of this act, as may be required for that purpose, to the payment of the two several legacies of six thousand dollars each, charged upon the property described in the third and fourth items of the said will: *Provided, however,* That before the said John Poulson and Charles Augustus Poulson, or the survivor of them, shall execute any deed or deeds authorized by the first section of this act, they or he shall give bond to the commonwealth in such penalty, and with such security, as the court of common pleas of Philadelphia county may direct and approve, conditioned for the investment of the surplus of one-third of the whole amount of the proceeds of the sale of the said real estate that may remain after the payment of the said legacies of six thousand dollars each, in such manner as the said court shall direct, for the use and benefit of the said Jean Dobson and Zachariah Poulson Dobson, and on the same trust as is set forth in the said third codicil to the said last will and testament; and the said bond shall be filed among the records of the said court, for the use of the parties interested in the faithful execution of the said trust.

Application of proceeds.

Proviso.

Bond.

FINDLEY PATTERSON,  
*Speaker of the House of Representatives.*  
DANIEL L. SHERWOOD,

*Speaker of the Senate.*

APPROVED—The thirty-first day of January, one thousand eight hundred and forty-six.

FRS. R. SHUNK.