

No. 307.

AN ACT

To authorize Isaac Heylin, trustee of Anna Louisa Duncan and others, to let certain real estate on ground rent.

WHEREAS, Elizabeth Crean, by her last will and testament, dated June second, eighteen hundred and forty-three, devised to said Isaac Heylin, in trust for said Anna Louisa Duncan, a lot of ground, situate on the southerly side of the turnpike road, in the village of Greenville, in Blockley township, and county of Philadelphia, containing in breadth on the said road, fifty feet, and extending, in length or depth, along Crammond street to Union street, being the easternmost moiety or half part of lot, number nine, in the plan of said village; and also in trust for John Crean Lehman, a lot of ground on the north side of Vine street, between Schuylkill Front and Second streets, containing in front on Vine street, eighteen feet, and in length one hundred and twenty feet, being the westernmost part of the lot conveyed to said Elizabeth Crean by the said Isaac Heylin, trustee, on the second day of April, Anno Domini eighteen hundred and thirty-four; and also in trust for Edwin W. Lehman, a lot of ground on the north side of Vine street, adjoining and to the east of the last above described lot, containing in front on Vine street, eighteen feet, and in length one hundred and twenty feet; and also in trust for John Crean, junior, that lot of ground, being the easternmost and remaining part of the lot conveyed to said Elizabeth Crean by the said Isaac Heylin, as aforesaid, containing in front or breadth on Vine street, eighteen feet, and in length one hundred and twenty feet, adjoining the last above described lot on the east; and also in trust for John Crean, a lot of ground, situate on the south side of the turnpike road, at the distance of fifty feet from Crammond street, containing in front on said road, fifty feet, and extending in depth to Union street, being the westernmost moiety of the said lot, number nine, in the plan of the village of Greenville, together with the appurtenances:

And whereas, The said will authorizes the said trustee to convey the said lots, or any of them, upon irredeemable ground rents:

And whereas, It appears that it would be more advantageous for said *cestui que trusts*, and for the said property, that power should be given to let said lots upon redeemable as well as irredeemable ground rents, and that the said trustee should have the power so to convey a part as well as the whole of any of said lots; 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 Isaac Heylin, trustee, as aforesaid, and his successors in the said trust, be and he and they are hereby authorized, from time to time, to grant, bargain, sell, let, convey and confirm, in fee, any portion or portions or the whole of the said lots of ground, or any or either of them, to such person or persons, corporation or corporations as he or they may deem proper, reserving thereout such yearly rent charge or charges as can be reasonably obtained for the same, either irredeemable or redeemable at such time or times, and upon the payment of such principal sum or sums of money as may be agreed upon, with the same

force and legal effect, in all respects, as if full power to let on redeemable rent charges had been given by said testatrix in her said will; the purchaser or purchasers of such lot or lots to take the same free and discharged from the trusts contained in said will, and without any liability for the application, non-application or misapplication of such ground rent or rents, or of the principal sum or sums to be paid in extinguishment thereof: *Provided*, That the said ground rents shall, in said deed or deeds, expressly made payable to the said trustee in trust for the purposes respectively set forth in the said will, relative to each lot or portion thereof so granted and conveyed: *And provided further*, That the *cestui que trust* or tenant for life of each of the said lots, when and as often as the same or any of them shall be so granted, or such extinguishment so made, shall approve of such grant or extinguishment by becoming a subscribing witness to the deed, conveying or extinguishing the same, which power of approval may, however, be granted by letter of attorney by said *cestui que trusts*, or any of them, to and executed by any other person or persons: *And provided further*, That in case such *cestui que trusts*, or any or either of them, or any attorney so to be appointed by them, should refuse to witness any such deed of extinguishment, the party entitled to redeem may pay such principal sum into the court of common pleas for the county of Philadelphia, to be invested under their order and direction, in good real securities; and the deed shall be executed thereupon by said trustee, with like force and effect, as if the same had been so witnessed; and in case such trustee should neglect or refuse to execute the same, then the court may authorize any other person or persons, in his place, to execute the same, with like force and effect, in all respects, as if executed by all the parties necessary thereto.

SECTION 2. That any and every sums of money to be received by said trustee in extinguishment of such ground rents, shall be invested by him in good real securities, and the same may be changed, from time to time, as the same may become necessary; such securities and investments to be at all times held by him, subject to the trusts contained in such will, and to the approval of said *cestui que trusts*, in all respects, as provided for in the first section, with the like powers set forth in said section to any party interested in the payment or extinguishment of said securities, to pay the same into said court, who shall direct the necessary deed of extinguishment to be made for the same, and shall supervise and control the investment of such sum or sums.

SECTION 3. That nothing herein contained, shall prevent the partition of such lots, or any of them, and that in case of said partition, such rent or rents shall stand in the place of the land subject to which the same shall be granted: *And provided further*, That after the reservation of said rent charges, said trustee shall have full power and authority to sell the same, or any of them, with the consent of such *cestui que trusts*, in the manner hereinbefore provided, and subject to the said provisions as to the re-investment thereof.

SECTION 4. That in case such sums, or any of them, shall be paid into court, said court may thereafter direct payment of the same to be made to said trustee, upon his giving sufficient security for the due investment of the same, according to the terms of the will: *Provided*, That before this act shall be operative, the said trustee shall give security, to be approved by the orphans' court of the city of Philadelphia,

for the faithful execution of this trust, agreeably to this act and the last will and testament of Elizabeth Crean, deceased.

JAMES COOPER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 308.

AN ACT

To enable the trustee of Elizabeth Davis to mortgage certain real estate, in the county of Philadelphia.

WHEREAS, By indenture, dated the first day of July, Anno Domini one thousand eight hundred and forty-four, recorded at Philadelphia, in deed book AWM, number thirteen, page two hundred and ninety-four, et cetera, Samuel S. Pancoast and wife, conveyed to Edward B. Garrigues, in fee, a lot of ground on the north side of Melon street, at the distance of seventy-nine feet eleven inches westward from the west side of Tenth street, in the district of Spring Garden, in trust for the sole and separate use of Elizabeth Davis, the wife of William A. Davis, during her life, et cetera; and upon the further trust, that the said Edward B. Garrigues, his heirs, executors and administrators, at the request of the said Elizabeth Davis, in writing, executed by her in the presence of two or more creditable witnesses, at any time hereafter, shall and will sell and dispose of the said premises, or any part thereof, and grant and convey the same, or any part thereof, unto the purchaser or purchasers thereof, his, her or their heirs and assigns forever, in fee simple, free and discharged of and from all manner of trust or limitation whatever, and pay and apply the money arising from such sale, to and for such uses and purposes as she, the said Elizabeth Davis, in writing, shall or may, from time, direct, limit or appoint; and for want of such sale, conveyance and disposition, then from and after the decease of the said Elizabeth Davis, to grant and convey the said premises, or such part thereof as shall remain unsold and undisposed of, to such person or persons as at the decease of the said Elizabeth Davis shall and may be her heirs and legal representatives, and in such parts and shares and proportions as such person and persons shall be entitled to, according to the laws of the state of Pennsylvania regulating the descent of real estate in case of intestacy:

Preamble.

And whereas, The said lot of ground has been improved by the erection of a three story brick messuage thereon, and it is desirable that a sufficient sum of money should be raised to pay for the same, but doubts are entertained whether, under the last recited clause in the said indenture, sufficient power exists to mortgage the premises, and the ex-