

No. 279.

AN ACT

To authorize the guardian of William and Ellen W. Penrose to confirm the title of real estate; and relative to real estate of Edwin Shippen Burd, James C. Fisher, Robert Blackwell and Ephraim Clark, deceased; and authorizing the directors of the poor of York county to sell and convey certain real estate.

Preamble.

WHEREAS, Abby N. Penrose, late of the city of Philadelphia, deceased, by her last will and testament, devised her real estate to her brother Norwood Penrose, to be appropriated according to her verbal instructions to him, for the fulfilment of which he alone should be responsible; and the said Norwood Penrose, having received no verbal instructions, and believing that such were the intentions of said decedent, conveyed the real estate so devised to him, to John J. White, in trust, to sell the same and distribute the proceeds thereof among the heirs of the said Abby N. Penrose, as if she had died intestate:

And whereas, The said John J. White has conveyed the said real estate, but doubts have arisen whether sufficient power existed to authorize such sale and conveyance; therefore,

Guardian of
minor children of
Abby N. Pen-
rose, authorized
to confirm cer-
tain sales.

^aSECTION 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 Rebecca W. Penrose, guardian, or any guardian for the time being of William Penrose and Ellen W. Penrose, minors and heirs of said Abby N. Penrose, be and is hereby authorized and empowered to confirm the sales so made by the said John J. White, and convey to the purchaser of said real estate by such deeds or instruments of writing as may be necessary, all the estate, right, title and interest of the said minors therein: *Provided,* That the said guardian shall first have given bond with surety approved by the orphans' court of the city and county of Philadelphia, for the faithful applications of the proceeds.

Executors of the
last will and
codicil of Ed-
ward Shippen
Burd, authorized
to sell certain
real estate.

SECTION 2. That Eliza Howard Burd, Eli K. Price and Joseph B. Townsend, executors of the last will and codicil of Edwin Shippen Burd, esquire, deceased, or the survivors or survivor of them, be and they are hereby authorized, whenever they, he or she shall think it for the best interest of the parties interested, to sell and convey to any purchaser or purchasers in fee simple, the farm and *county* seat, in Montgomery county, Pennsylvania, which belonged to said decedent, and mentioned in the endorsed codicil to his will; and such sale, though made before the decease of those parties whose death, according to the terms of said will and codicil is to precede the exercise of the power of sale, shall be of the same validity as if made after the decease of such parties: *Provided,* That it shall be the duty of the purchaser or purchasers to see the purchase money as paid, invested by the said executors, or the survivors or survivor of them, in the loans of the United States or of the city of Philadelphia, or in both, upon the trusts of the will relating to said real estate and its proceeds; and the same being so invested, such purchaser or purchasers shall be no further responsible therefor.

Preamble.

SECTION 3. WHEREAS, James C. Fisher, late of the city of Philadelphia, by his last will and testament, dated the twenty-third day of

February, A. D., one thousand eight hundred and thirty-nine, duly proved, &c., did devise and bequeath all the residue of his estate, real and personal, to and among his grand-children, their heirs, executors, administrators and assigns, in equal shares, and did direct that on the arrival of the youngest of his grand-children at the age of twenty-one years, his said estate, real and personal, subject to certain provisions in the said will contained, shall be divided among them in the manner therein directed; and the said testator further provided, that the shares and proportions of his grand-daughters shall vest in and be held by his grand-sons James C. Fisher, Jr., and Samuel F. Fisher, and the survivor of them, and the heirs, &c., of the survivor, in trust for the separate use of his said grand-daughters respectively, during their natural lives, and upon their respective deaths, in trust for their respective heirs, &c., with a power of appointment for each by will:

And whereas, A part of the real estate apportioned in pursuance of the said will to the said grand-daughters respectively, consists of vacant and unproductive ground, and the interests of all parties, present and contingent, will be promoted by a grant of power to the trustees to sell the real estate devised to the said grand-daughters; therefore, that the trustees and trustee for the time being of the shares and portions of the real estate of the said James C. Fisher, which may be allotted in pursuance of his will to his grand-daughters respectively, be and they are hereby authorized and empowered, on the request and direction of the respective grand-daughter, to be testified by her joining in the necessary conveyances, to sell and dispose of either at public or private sale, and either absolutely or on ground rent, all or any part of the real estate so allotted or apportioned, or to be allotted or apportioned to her; and to execute all proper and necessary deeds to the purchaser thereof in fee simple or otherwise, free and clear from the trust contained in the said will: *Provided*, That all ground rents which may be reserved upon such conveyances, shall be limited upon the same trusts and with the same powers, as are declared in and by the said will in respect to the said grand-daughters, and may be made redeemable upon the terms and within the time usual in such conveyances in the city and county of Philadelphia: *And provided further*, That the power hereby granted shall not be exercised in any case, until the trustees or trustee, as the case may be, shall have given security to the commonwealth, to be approved of by the judges of the court of common pleas for the city and county of Philadelphia, conditioned for the faithful investment and appropriation of the proceeds of such sale, or of the principal of any ground rent that may be paid off as the case may be, in such stocks or securities as may be approved of by the said court: *And provided further*, That no purchaser from such trustees, and no grantee from them on ground rent, shall be bound in any case to look to the application or investment of the money paid by him to such trustees or trustee, as the case may be.

Trustees of the estate of James C. Fisher, authorized to sell certain real estate

Proviso.

SECTION 4. That James S. Smith and Henry Hollingsworth, executors and trustees named in the last will and testament of Robert Blackwell, late of the city of Philadelphia, deceased, be and they are hereby authorized to sell, by public or private sale, or let on ground rent, the whole or any part or parts of two certain lots of ground, as follows, viz: one of them situate on the north side of Chesnut street, between Schuylkill and Fifth and Sixth streets, in the city of Philadelphia, beginning at the distance of two hundred and fifty-three feet westward from the west side of the said Schuylkill Sixth street, and containing in front on the said Chesnut street twenty feet, and in depth northward one hundred and twenty feet, to an eighteen feet wide alley,

Executors and trustees named in the last will of Robert Blackwell, deceased, authorized to sell certain real estate.

which communicates westwardly with a twelve feet wide alley leading into Schuylkill Fifth street, and eastwardly with another twelve feet wide alley leading into the said Schuylkill Sixth street; and the other lot of ground, together with the messuage or tenement thereon erected, being situate on the north side of Pine street, number fifty-seven, between Delaware Second and Third streets, in the said city of Philadelphia, containing in breadth, east and west, about thirty feet, and in depth eighty feet, be the same more or less: *Provided*, That before the said executors and trustees shall execute any deed for the property so authorized to be sold, they shall give security in the orphans' court for the city and county of Philadelphia, in such manner and in such sum as the said court shall order and direct, for the faithful execution of the power hereby committed to them, and for the proper and faithful application of the proceeds of the sale of the real estate hereby authorized to be sold.

Proviso.

Trustees under the will of Ephraim Clark, authorized to make and execute exchanges, &c.

SECTION 5. That the trustees under the will of Ephraim Clark, deceased, and their successors in said trust, in addition to the powers already vested in them, shall be and they are hereby authorized and empowered to make, execute and consummate any exchange or exchanges which they may deem expedient, of any part of the said premises, for any piece or pieces of land adjoining or adjacent thereto, for the purpose of straightening or completing the lines of the said premises, with reference to street or other improvements, and to convey a good and valid estate in fee, in such part or parts of said premises, freed and discharged from the trusts in the said will: *Provided*, The piece and pieces of land so received in exchange, shall be held by the said trustees, for the same uses and purposes as are set forth in the will of the said Ephraim Clark, deceased, concerning the said premises, and shall also be subject to the powers and authorities vested in said trustees by said will, and by this act and the act to which this is a supplement; and all sales heretofore made under the authority of said act in the nature of exchange, are hereby ratified and confirmed, as fully and clearly as if said authority were therein given in express terms.

Construction of certain act to which this is a supplement.

SECTION 6. That the said act to which this is a supplement shall be deemed, taken and construed to vest in said trustees and their successors in said trust, full authority and power to sell and dispose of the said tract of land in the Northern Liberties, in the county of Philadelphia, in such lots and of such a size each as to them may seem most expedient, and either in fee simple or reserving a ground rent out of each of said lots, equivalent to the whole or part of the consideration money: *Provided*, That such sale or sales shall be subject to all and every the clauses and conditions contained in the second section of the act to which this is a supplement.

Directors of the poor, York county, authorized to sell certain real estate.

SECTION 7. That the directors of the poor and of the house of employment for the county of York, be and they are hereby authorized and empowered to sell and convey in fee simple, for such prices and upon such terms and conditions as the said directors of the poor and of the house of employment for the county of York, may deem most advantageous to the public, such part of the land belonging to the said institution, and to execute good and sufficient deeds for the same; the purchase money thereof to be paid into the treasury of the said institution.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.