

CHAPTER CMLXXXI.

AN ACT TO VEST A CERTAIN LOT OR LOTS OF GROUND IN THE DISTRICT OF SOUTHWARK, IN TRUSTEES FOR THE USE OF A PUBLIC LANDING UPON THE CONDITIONS HEREINAFTER MENTIONED AND OTHER PURPOSES.

(Section I, P. L.) Whereas the inhabitants of the district of Southwark have been long desirous to procure a commodious lot or lots of ground for the purpose of public landings and streets within the said district, and in pursuance of such desire, Luke Morris, Thomas Penrose and James Penrose did, in the year of our Lord one thousand seven hundred and sixty-eight, purchase of John Jekyl three lots of ground situate on the east side of Front street, in the said district, and extending from thence across Penn street and Water street into the river Delaware, which said lots were conveyed to them as joint tenants in fee, by indenture bearing date the twelfth day of May, Anno Domini one thousand seven hundred and sixty-eight. And whereas, the said Luke Morris, Thomas Penrose and James Penrose, by a certain deed poll under their hands and seals duly executed, bearing date the [said] twelfth day of May, in the same year, did declare and acknowledge that the said purchase, so as aforesaid by them made, was intended for public use, and did covenant and promise, that if the inhabitants of the said district should incline to take the same and should, within three years then next following, well and truly pay, or cause to be paid, to the said Luke Morris, Thomas Penrose and James Penrose, their heirs, executors, administrators or assigns, the full purchase money by them paid, together with lawful interest for the same and such reasonable costs and charges as should accrue to them upon the said purchase, then and in that case they, the said Luke Morris, Thomas Penrose and James Penrose, or the survivors or survivor [of them] would, by good and sufficient conveyance and assurance in the law, convey and assure the said lots of ground

to trustees to be appointed for that purpose, to be held by them, their heirs and assigns forever, in trust for the public use as in and by the said indenture and deed poll recorded in the rolls office for the county of Philadelphia more fully appears. And whereas, divers attempts have been made by the inhabitants of the said district to fall upon some mode of raising money for those purposes, but hitherto the same have proved abortive. And whereas, the said inhabitants of Southwark aforesaid, have lately chosen and appointed Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose to be a committee to transact all business, touching and concerning the said lots, and to endeavor to raise moneys and procure a title to themselves for the said lots for public use, which committee having had several conferences with the said Luke Morris, Thomas Penrose and Abel James (guardian duly appointed of Clement Penrose, the only child of the said James Penrose, who is since dead) and have come to an agreement concerning the same:

[Section I.] (Section II, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That James Pemberton, Joseph Swift, Peter Knight, Henry Drinker and Richard Wells, or any three of them shall be and they are hereby appointed auditors to hear forthwith the said Luke Morris, Thomas Penrose and Abel James, and examine their accounts and vouchers and to settle the same agreeable to the original intent of the parties, and by deeds poll under their hands and seals to certify and ascertain the precise sum of money due to each of them, the said Luke Morris, Thomas Penrose and Clement Penrose, as the representative of the said James Penrose, for their respective shares of the principal, interest and costs of the said purchase, which certificates, so executed as aforesaid, shall be delivered to the said parties, and shall be and remain, conclusive evidence of the amount of the said respective sums due. And the said auditors shall have power to proceed upon the said examination and settlement of the accounts *ex parte* if any of the persons

concerned shall neglect or refuse to attend them upon ten days' notice.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if the said Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose, or any of them, do and shall well and truly pay, or cause to be paid, to the said Luke Morris, Thomas Penrose and Clement Penrose, or to their heirs, executors, administrators and assigns or to the guardian of the said Clement Penrose, the several and respective debts or sums of money so as aforesaid to be certified and ascertained by the said auditors, with interest thereon from the date of the said deeds poll, within two years next after the passing of this act, and shall procure acknowledgments indorsed thereon and signed by the said Luke Morris, Thomas Penrose and Clement Penrose, respectively, or their heirs, executors, administrators or assigns, or the guardian of the said Clement Penrose (who are hereby [enjoined and] required to sign such acknowledgments upon receipt thereof) that such moneys are well and truly paid to them, then the said deeds poll and the acknowledgments indorsed (being proved or acknowledged by the parties in the manner and form that deeds of conveyance are usually proved or acknowledged) shall and may be recorded in the office for recording of deeds in and for the county of Philadelphia, and shall vest the estate of inheritance in fee simple of and in the said lots in them, the said Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose, as fully and effectually as the same could be vested in them by any feoffment or deed of conveyance whatsoever, in trust nevertheless to and for the uses, intents and purposes hereafter mentioned.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if the said Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose shall neglect or refuse to pay to the said Luke Morris, Thomas Penrose and Clement Penrose, respectively, their heirs, executors, administrators or assigns, or to the guardian of the said Clement Penrose, the said several and

respective sums of money so as aforesaid certified and ascertained by the said auditors to be due to them, with interest for the same, for the space of two years next after the passing of this act, then and from thenceforth all right, title, interest, claim and demand whatsoever, both at law and in equity, which the said trustees in behalf of the public have, or claim to have, of, in and to the said lots of ground shall cease, determine and become absolutely void and extinct, and the said Luke Morris, Thomas Penrose and Clement Penrose, and their heirs and assigns, shall and may have, hold and enjoy the same to their own proper use and behoof as tenants in common in equal shares and proportions in fee simple, without any further or other release or conveyance.

(Section V, P. L.) And whereas, it is intended to raise a sum of money by laying and collecting a tax upon the real and personal estates within the said district in yearly portions, sufficient within a reasonable number of years to reimburse the said trustees the whole principal and interest thereon which they shall advance for procuring the aforesaid title to them, and it is reasonable that they should be fully secured and indemnified from loss by paying their private moneys or engaging their private credit for public use:

[Section IV.] (Section VI, P. L.) Be it therefore enacted by the authority aforesaid, That so soon as the said trustees shall, by payment of the said purchase money, have procured a title to themselves, it shall and may be lawful for them, or the survivors of them, to lay out such parts of the said lots as they shall think necessary for the use of the public for streets and landings, and if any should be left, which in their judgment will not be necessary for public use, then they, or the survivors of them, shall and may sell all such unnecessary parts of the said lots by public sale for the best prices that can be obtained, and make good and perfect titles for the same, to the purchasers in fee simple, and apply the moneys arising from such sales towards the payment of themselves for the moneys they shall be in advance and that it shall and may be lawful for them, or the survivors of them, to borrow, on interest, any sum or sums of money not exceeding the amount which shall

then be due to them, and to grant, bargain, sell, convey and assure to the lenders, in mortgage, all such parts of the said lots as shall be retained for public use, which deeds of mortgage shall be as good and valid in the law for securing the payment of the moneys borrowed as any mortgage made by a private person of his own estate now is.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said trustees and the survivors of them to demise, grant and to farm let to any person or persons whatsoever for any term of years not exceeding seven at one time, all the wharves, keys and landing places belonging to the said lots, as a public landing place, reserving such rents and conditions and establishing such rates and prices for the toll or wharfage of all kinds of articles which are usually brought to public landings as they shall think reasonable, and restraining the tenant from demanding higher rates and prices, and binding him in sufficient penalties in all things to abide by such rules, orders and regulations as the tenants of the public landings in the city [of] Philadelphia are bound to observe, and to receive the rents, issues, and profits thereof and to apply the same in discharge of the encumbrances on the said lots.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That so soon as a sufficient sum of money shall be raised by sale of part of the premises as aforesaid, by the rents, issues and profits of the residue, and by a public tax which is intended to be laid and collected within the said district, or by any other means sufficient to discharge all the encumbrances which the said lot shall be subject to, in manner aforesaid, then the said Robert Knox, Joseph Blewer, Joseph Turner, John Brown, William Clifton and Isaac Penrose, or the survivors or survivor of them, or the heirs and assigns of the survivor, shall, by good and sufficient conveyance and assurance in the law, grant, release and confirm the said premises which shall be retained for public use as aforesaid to the supervisors of the highways in and for the said district of Southwark for the time being (who are hereby erected into and declared to be one body politic and corporate

for this especial purpose, in deed and in law capable of holding the same, and of suing and being sued in all actions touching and concerning the same) by the name of the supervisors of the public landings and highways in the district of Southwark, and to their successors forever, in trust for the use of the public, in the manner hereinafter mentioned; that is to say, in trust that the said supervisors for the time being, or a majority of them, with the approbation of three justices of the peace of and for the said county, shall and may demise, grant and to farm let the same landings to any person or persons for any term of years not exceeding seven at one time upon such rents and conditions as they shall think proper, and shall and may make such rules, orders and regulations for the well governing as well the tenants thereof as the boat, flats, carts and wagons which shall frequent the same, and the owners, skippers and drivers thereof, and the prices or rates of toll or wharfage to be paid for all articles to be unladen thereon, and that the said supervisors shall receive the rents, issues and profits thereof and apply the same to make any improvements or buildings thereon, to pave any of the streets or to maintain and repair any of the highways or to any other public use within the said district which the said supervisors, or a majority of them, with the approbation of three justices of the said county as aforesaid shall order, direct and appoint.

Passed April 15, 1782. Recorded L. B. No. 1, p. 527, etc.

CHAPTER CMLXXXII.

AN ACT TO AMEND AND RENDER EFFECTUAL AN ACT, ENTITLED "AN ACT FOR REGULATING PARTY WALLS AND PARTITION FENCES IN THE CITY OF PHILADELPHIA," TO DECLARE DIVERS NEW STREETS AND WAYS, OPENED AND TO BE OPENED AND LAID OUT WITHIN THE SAID CITY, TO BE HIGHWAYS, AND ALSO TO DECLARE NUISANCES BY BUILDINGS WITHIN THE SAID STREETS REMOVABLE, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas an act of assembly, passed on the twenty-fourth day of February, which was in the year of our