

No 398.

AN ACT

To authorize and confirm the sale of certain real estate of the reverend Ezekiel Cooper, deceased; relative to the Norris estate; and to vacate certain streets in the district of Kensington.

Preamble.

WHEREAS, The reverend Ezekiel Cooper, late of the county of Philadelphia, deceased, by his last will and testament, dated the nineteenth day of January, Anno Domini one thousand eight hundred and thirty-seven, did, among other things, order and direct as follows:—
 “After my funeral expenses be paid, and also my just debts, if there be any against me, of which at present I have now no knowledge or recollection, then it is my will, and I do order and direct, that my worldly property be disposed of, and distributed as hereinafter directed and ordered, viz:—Let all my debts due me be collected or accounted for:”

And whereas. The said Ezekiel Cooper, died on the twenty-first day of February, Anno Domini one thousand eight hundred and forty-seven, without having altered his said will in respect to the sale of his estate, or enlarging the power for the sale thereof:

And whereas, Ignatius T. Cooper and Samuel B. Cooper, the executors of the said will and testament, did on the fifth day of May, Anno Domini one thousand eight hundred and forty-eight, present their petition to the orphans' court of the city and county of Philadelphia, praying for an order of sale, inter alia, to sell the following described premises, with the appurtenances, to wit:—All that certain three storied brick messuage or tenement and lot or piece of ground situate on the west side of Ninth street, in the district of Spring Garden, and county of Philadelphia, beginning at the distance of thirty-two feet one inch, measuring along the west side of Ninth street northward, from the north-west corner of said Ninth street and James street, as contemplated to be opened, containing in front on said Ninth street, sixteen feet, and in the rear on Charles street, fifteen feet eleven inches, and extending in depth or length on the north side thereof, fifty-seven feet nine inches, and on the south side thereof, fifty-five feet nine inches, bounded southward by ground granted to Daniel Fort, westward by Charles street, northward by ground to Alexander Mullveter and others, and eastward by Ninth street aforesaid, being the same premises which Morton M'Michael, esquire, high sheriff of the county of Philadelphia, granted and assured by deed poll, dated the tenth January, one thousand eight hundred and forty-six, unto the said Ezekiel Cooper, in fee; also all that certain yearly rent charge or sum of one hundred and fifty dollars, chargeable upon, and issuing out of that certain lot or piece of ground, with the buildings and improvements thereon, situate on the west side of Delaware Second street, between Coates and Brown streets in the Northern Liberties, in the county of Philadelphia, containing in front or breadth on said Second street, ten feet, and extending in length or depth westward, keeping the same width, seventy-nine feet one inch, bounded northward by ground granted, or intended to be granted, to William B. Severn, on ground rent, southward by a messuage and lot of John Bosler, eastward by said Second street, and westward by ground

of Philip Bohem, being the same yearly rent charge which R. Wilson Desilver, and wife, by indenture, dated first day of July, one thousand eight hundred and thirty-nine, granted and conveyed (inter alia) unto the said Ezekiel Cooper, in fee; whereupon the said court granted the prayer of the petitioners:

And whereas, The said executors, the fourteenth day of June, Anno Domini, one thousand eight hundred and forty-eight, did expose and sell the said premises at public sale, as follows: the first described premises to William F. Schreiner, for the price or sum of one thousand six hundred and twenty-five dollars, and the second described to W. H. Parham, for the price or sum of two thousand three hundred dollars:

And whereas, The said Ezekiel Cooper died seized and possessed of the following messuage and premises, to wit: all that certain four storied brick messuage or tenement and lot or piece of ground, situate on the west side of Delaware Second street, between Coats and Brown streets, in the Northern Liberties, in the county of Philadelphia, containing in front or breadth on said Second street ten feet, and extending in length or depth westward, keeping the same breadth, seventy-nine feet one inch, bounded northward by a certain alley two feet nine inches in width, southward by ground now or late of Benton Coston, eastward by the said Second street, and westward by ground of Philip Boehm, being the same premises which John Livezey, by deed dated the twentieth day of June, Anno Domini, one thousand eight hundred and forty-three, recorded in deed book R L Ll, number six, page six hundred and thirty-five, et cetera, granted and conveyed unto the said Ezekiel Cooper in fee, subject to the payment of half the yearly rent charge or sum of twenty-one dollars and thirty-three cents, payable unto Sarah Johnson, her heirs and assigns; and subject also to the payment of another yearly rent charge or sum of one hundred and fifty dollars, to H. B. Pennock, his heirs and assigns, as therein mentioned, which last mentioned yearly ground rent or sum of one hundred and fifty dollars R. Wilson Desilver and wife, by deed dated the first day of July, one thousand eight hundred and thirty-nine, granted and assigned unto the said Ezekiel Cooper in fee, by reason whereof the said rent charge of one hundred and fifty dollars merged and became extinguished:

And whereas, It is necessary to sell the said last mentioned messuage and premises to enable the executors to carry out the intention of the said testator:

And whereas, Doubts exist in the minds of the executors and purchasers, in regard to sufficiency of the power contained in the said will to sell the said premises and make title thereto; therefore, for remedy thereof and for the perfecting the said titles to the said house and ground rent so sold as aforesaid, and to enable the said executors to sell and convey the said messuage and premises,

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 city and county the judges of the orphans' court for the city and county of Philadelphia, be and they are hereby authorized and empowered to make, execute, seal and deliver deeds of conveyance of the same to the said purchasers in fee, with a like effect as if the powers to sell under and by virtue of said will had been full, ample and indisputable.

Judges of the orphans' court of Philadelphia, authorized to make deeds for certain real estate.

SECTION 2. That the said executors, or the survivor of them, and such persons as may succeed them in the trust, be and they are hereby authorized to sell and convey, either at public or private sale, in fee, all that the aforesaid last mentioned and described four story brick mes-

Executors of Rev. Ezekiel Cooper, authorized to sell certain real estate.

suage or tenement and lot or piece of ground, and to execute, seal and deliver a deed to the purchaser for the same.

Further powers
of said executors.

SECTION 3. That the said executors, or the survivor of them, and such persons as shall or may succeed them in the said trust, shall in the event of either or both of the purchasers of the said ground rent and premises so sold as aforesaid, by order of the orphans' court, declining, neglecting or refusing to comply with the terms of the said sale, shall be and they are hereby invested with the like power and authority to sell and convey the same, or any part thereof, as are mentioned and conferred in the second section of this act, in respect to the property therein mentioned: *Provided however*, That the moneys arising from the sales of any or all of the said premises, shall be held and applied by the said executors, agreeably to the provisions of said will: *And provided also*, That before this act shall take effect, the executor aforesaid, or the survivor of them or their successors in the trust, shall give security in such amount as the said court shall direct, and to be approved by them, for the faithful appropriation of the fund arising from said sales, agreeably to the provisions of the said last will and testament.

Trustees of the
Fair Hill estate,
authorized to
grant and ex-
change, dis-
charged of the
trusts certain
lots or pieces of
ground.

SECTION 4. That the present trustees of the Fair Hill estate, under the will of Joseph Parker Norris, deceased, and the trustees of Joseph P. Norris, the younger, under said will, be and they are hereby authorized and empowered to grant and exchange, discharged of the trusts of the said will, with the commissioners and inhabitants of the Kensington district of the Northern Liberties, all that certain lot or piece of ground, part of the said Fair Hill estate, bounded by Somerset street on the north, Lehigh avenue on the south, Eighth street on the west and Sixth street on the east, and by Clark's property on the north-east; also all that small triangular lot bounded by Seventh street, Somerset street and Clark's estate, and to have, hold, take and receive, in lieu of the above described premises, all that certain lot or piece of ground now belonging to the said the commissioners and inhabitants of the Kensington district of the Northern Liberties, bounded by Lehigh avenue on the north, Huntingdon street on the south, Apple street on the east and Sixth street on the west: *Provided*, That a majority of all the persons having a vested interest in the said premises, under the will of the said Joseph Parker Norris, at the time of the said exchange, shall consent to the same, and that the piece of land received in exchange by the said trustees, shall be conveyed to and held by them upon the same trusts as the land conveyed by them in exchange was held at and before the time of such exchange; and the piece of land so conveyed to the said trustees in exchange, shall be held by them and by their successors in the trust, and by their heirs, under and subject to all the rights, powers and authorities heretofore granted to or conferred upon the said trustees, and to the different provisions made in regard to the same by sundry acts of assembly, authorizing the said trustees to do certain acts; and shall also be subject to the power of partition given by the said will, which shall in no case be prejudiced by such exchange.

Seventh street
and Amber street
vacated.

SECTION 5. That Seventh street, running from Lehigh avenue to Somerset street, and Amber street, from Cumberland street to the Frank-fork road, as respectively laid down in the plan of the said Fair Hill estate, be and the same are hereby vacated.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-nine.
WM. F. JOHNSTON.