

CHAPTER CCCXL.

AN ACT FOR THE MORE EFFECTUAL VESTING AND SETTLING CERTAIN LANDS IN GEORGE McCALL, PURSUANT TO THE COVENANTS AND AGREEMENTS OF ALL THE PARTIES HAVING ANY INTEREST IN THE SAME.

Whereas it hath been made appear to this assembly that the late Honorable William Penn, Esquire, proprietor of the province of Pennsylvania, did by his letters patent bearing date the twenty-fifth day of October, in the year of our Lord one thousand seven hundred and one, grant unto Samuel Carpenter, Isaac Norris and Edward Penington twelve thousand acres of land with the appurtenances lying in the county of Philadelphia to hold to them the said Samuel Carpenter, Isaac Norris and Edward Penington and the survivors and survivor of them and to the heirs and assigns of the survivor of them for ever in trust and to the use and behoof of his son John Penn, and the heirs of his body lawfully to be begotten, and for want of such issue to the heirs of the donor on the body of his wife Hannah, begotten or to be begotten; and for default of such issue, then as to five full twelfth parts of the said lands and premises with the appurtenances to the use of his said wife Hannah and her heirs for ever; and as to seven full twelfth parts residue of the said lands and premises with the appurtenances to the use of the right heirs and assigns of him the said donor for ever; and with the further trusts that the said Samuel Carpenter, Isaac Norris and Edward Penington, the survivors and survivor of them and the heirs and assigns of such survivor, should from time to time during the nonage of the said John Penn or any other person or persons having a remainder expectant by virtue of the said letters patent, grant, bargain, sell, enfeoff, alienate and confirm the aforesaid twelve thousand acres of land and premises with the appurtenances or any part thereof to the best advantage in fee simple or otherwise, to such person or persons, his or their heirs, executors, administrators or assigns respectively, as should pur-

chase or farm the same; and that the said trustees and the survivors and survivor of them and the heirs and assigns of such survivor should from time to time employ and apply the money and profits arising by sale or demise of the said lands and premises or any part thereof to the only use and behoof of the said John Penn, his heirs and assigns, or to the use and behoof of such other person or persons having remainder or remainders expectant as aforesaid, provided nevertheless, that the profits or effects of the said lands arising as aforesaid nor any part thereof should be applied or disposed of otherwise than by consent of the guardian or guardians of the said John [Penn] or other person or persons in expectancy as aforesaid in writing under his, her or their hands and seals first had for that purpose.

And whereas it is likewise made appear that five thousand acres, part of the said twelve thousand acres of land, is the proper estate of the said John Penn, Esquire, by the grant or devise of Thomas Callowhill, grandfather of the said John Penn, and not liable to be settled in the manner contained in the said letters patent. And whereas it further appears that the other children of the said William Penn, Esquire, by his wife Hannah, Thomas Penn and Richard Penn, Esquires, and Margaret Penn, now the wife of [Thomas Freame, together with her said husband, and] William Penn, Esquire, grandson and heir-at-law to the said William Penn, Esquire, the grantor, being desirous that the said whole twelve thousand acres of land should be vested in the said John Penn and his heirs absolutely, that he and they may dispose of the same at his and their pleasure, did by their indentures of [lease] and release, dated the first and second days of July, one thousand seven hundred and thirty-four [grant], bargain, sell, remise, release and confirm all the said twelve thousand acres of land with the appurtenances and the reversions and remainders thereof or any part thereof to the said John Penn, [his] heirs and assigns, forever. And by the said [indentures] did further direct and appoint the said Isaac [Norris, the surviving] trustee, and his heirs (the aforesaid) Samuel Carpenter and Edward Penington being then dead) to convey the said twelve thou-

sand acres of land and premises with the appurtenances to and to the use of the said John Penn, his heirs and assigns, forever. And by the said indentures did likewise consent that any act of Parliament in Great Britain and any act of assembly in Pennsylvania shall and may be passed and made for the absolute vesting all and every the said twelve thousand acres of land with the appurtenances in the said John Penn, his heirs and assigns, or in such other person or persons as he or they shall appoint, to and for his and their own proper use, benefit and behoof. And whereas the said Isaac Norris is since deceased, and Isaac Norris, his son and heir-at-law, in conformity to the direction and appointment of the said William Penn, Thomas Penn, Richard Penn, Thomas Freame and Margaret his wife, and in discharge of the trust reposed in him as heir to the surviving trustee, granted and re[leased] all the aforesaid twelve thousand acres of land with the appurtenances unto the said John Penn and his heirs, to hold to him the said John Penn and his heirs and assigns forever.

And whereas the said John Penn by his indentures of lease and release bearing date the nineteenth and twentieth days of June, one thousand seven hundred and thirty-five, for the consideration of two thousand guineas to him paid and satisfied by George McCall, of the city of Philadelphia, merchant, did grant, bargain and sell all the aforesaid twelve thousand acres of land with the appurtenances, which upon a resurvey of the same lately made by the authority of the proprietors of Pennsylvania is found to contain fourteen thousand and sixty acres of land and is bounded as in the last-recited deed is set forth and described, to wit: Situate in the county of Philadelphia, beginning at a corner of the Germans tract of land, the said corner being on the bank of the river Schuylkill on the east side thereof; and extending thence by the said land north forty degrees east three thousand four hundred and twenty perches to a hickory tree near the west branch of Perkiomen Creek; thence by a line of marked trees and crossing the said branch north fifty degrees west six hundred and twenty perches to a marked white oak; thence by a line of marked trees south forty degrees west three thousand eight hundred and forty perches to the aforesaid river; thence down by the same on several

courses eight hundred and forty perches to the place of beginning.

And whereas the said George McCall hath humbly besought this assembly that an act may pass agreeable to the appointment and direction of all the parties before named for vesting in him and his heirs the aforesaid tract of land as the same is now resurveyed and sold to him for fourteen [thous]and and sixty acres of land with the appurtenances in the manner before set forth:

[Section I.] Be it therefore enacted by the Honorable Patrick Gordon, Esquire, Lieutenant-Governor of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex on Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, at the suit of the said George McCall, That all the said fourteen thousand and sixty acres of land with the appurtenances, situate, lying and being in the county of Philadelphia as aforesaid, as the same is before set forth and described in the re-survey made of the same, and every part and parcel thereof, with all houses, orchards, fencings, woods, rivers, creeks, mines, minerals (the fifth part of all royal mines of silver and gold reserved to the King [only excepted), huntings, hawkings, fishings, fowlings, with all] and singular the privileges and appurtenances to the sa[me] or any p[art] thereof belonging or appertaining or accepted, reputed, taken, used, occupied or enjoyed as part or parcel of the same, shall immediately from and after the publication of this act be actually vested and settled in the said George McCall, his heirs and assigns [for ever]. And that the said George McCall shall be seized thereof and of every part thereof (except before excep[ted]) to him an[d his] heirs, and may hold and [enjoy] the same free from any estates, uses, entails, limitations, remainders, charges or provisions had and made by the [said le]tters patent, saving to the King, his heirs and successors, and to [all] persons, bodies politic and corporate, their [heirs and] successors, executors and administrators (other than such [as claim under the] said William Penn, Esquire, late proprietor as aforesaid, by virtue of the

said letters patent, or any grant, gift or thing therein contained) all such right, title and interest as they or any of them have or may have to the said lands or any part thereof, this act or anything therein contained to the contrary in anywise notwithstanding.

Passed June 24, 1735. See Appendix XI, Section I.