

of May in the year of our Lord one thousand seven hundred and seventy-eight and the said comptroller-general is hereby authorized and directed to issue such certificate accordingly.

Passed September 25, 1786. Recorded L. B. No. 3, p. 111, etc.

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## CHAPTER MCCLII.

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AN ACT TO AUTHORIZE AND EMPOWER FREDERICK SMITH OF THE CITY OF PHILADELPHIA, ESQUIRE, AND MARGARET HIS WIFE, LATE MARGARET OSWALD, AND THE HONORABLE JOHN PENN AND EDWARD SHIPPEN, ESQUIRES, AND DOCTOR THOMAS PARKE TO SELL AND CONVEY A MESSUAGE AND LOT OF GROUND THEREIN DESCRIBED UPON THE TERMS AND CONDITIONS THEREIN MENTIONED.

(Section I. P. L.) Whereas the said Margaret Smith before her espousals was seized in her demesne as of fee of and in a certain messuage and the lot of ground thereto belonging, situated on the west side of Front street near High street in the city of Philadelphia, containing in breadth on Front street aforesaid thirty-six feet, and in depth one hundred feet, bounded eastward by Front street aforesaid, southward by an eight feet alley called Black Horse alley and westward and northward by ground of Benjamin Chew and Elizabeth his wife, and so being seized in consideration of her then intended marriage with the said Frederick Smith, did by a certain indenture, grant, convey and assure the same, together with other real estate with the appurtenances to the said John Penn, Edward Shippen and Thomas Parke and their heirs forever in trust for certain uses in the indenture contained.

And whereas since the said marriage took effect, the said indenture was agreed to be cancelled and another indenture was executed, bearing date the fifth day of January in the year of our Lord one thousand seven hundred and eighty-five, between the said Frederick Smith and Margaret his wife of the one part and the said John Penn, Edward Shippen and Thomas Parke of the other part, wherein and whereby the said messuage and

lot of ground with the appurtenances and other real estate of the said Margaret Smith were vested [in] and assured to the said John Penn, Edward Shippen and Thomas Parke, their heirs and assigns to their proper use forever, but in trust nevertheless for certain uses, not executed therein mentioned, among which was the power of disposing thereof by the said Margaret Smith by her will or writing in nature of a will, but no power was thereby expressly reserved for the said Margaret Smith with or without the aid of her said husband and the said trustees to dispose of the same deed to take effect in her lifetime:

And whereas the said Margaret Smith by petition to this house, hath presented that the income of her whole estate as at present circumstanced is not adequate to the support of her family, that there are debts due from the estate of her late uncle Joseph Turner, Esquire, by whose device she held the said real estate, which are charged with the same, and that an advantageous offer had been made to purchase the said messuage and lot of ground whereby a considerable sum of money would be raised immediately to enable her to discharge the said debts, and an annuity during the lives of the said Frederick Smith and Margaret his wife would be reserved, whereby their income would be so increased as to render their circumstances and situation easy for their lives, but that doubts had arisen the minds of some of the [said] trustees whether under the said recited indentures they had sufficient powers to make a title to the said messuage and lot of ground and therefore the said Margaret Smith prayed leave to bring in a bill to be enacted into a law to authorize and empower them so to do, and a committee of this house having heard the parties, have found that it is reasonable to grant the prayer of the said petition and the same is granted in manner hereinafter mentioned.

[Section I.] (Section II. P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That it shall and may be lawful for the said Frederick Smith and Margaret his wife, and the said John Penn, Edward Shippen and Thomas Parke, forthwith after the passing of this act by any deed or writing under their

hands and seals to be executed, proved or acknowledged and recorded in the manner and form that deeds for the conveyance of real estate are by law required to be executed, proved and acknowledged and recorded, to grant, bargain, sell, convey and assure to any person or persons whatsoever willing to purchase the same, and to his, her or their heirs or assigns forever; all that the aforesaid messuage and lot of ground herein above described with all and every the appurtenances thereunto belonging for such sum or sums of money in hand to be paid or to be secured to be paid and such rent or rents to be charged thereon and issue thereout payable to the said Frederick Smith and Maragaret his wife and their assigns during their lives and the life of the survivor of them, as they the said Frederick Smith and Margaret his wife and the said trustees shall think reasonable.

[Section II.] (Section III. P. L.) And be it further enacted by the authority aforesaid, That a deed of conveyance to be executed for the consideration aforesaid by the said Frederick Smith and Margaret his wife and the said John Penn, Edward Shippen and Thomas Parke shall be and enure and shall be deemed, adjudged and taken to enure, to vest in the grantee or purchaser all the estate, right, title, interest, claim and demand whatsoever both in law and in equity which the said Margaret Smith, late Oswald, before her espousals and before the execution of the said first recited indenture had or of right ought to have of, in, to or out of the said messuage and lot of ground with the appurtances under or by virtue of the will of the said Joseph Turner, Esquire, or by any other ways or means whatsoever.

[Section III.] (Section IV. P. L.) Provided always nevertheless and it is hereby further enacted by the authority aforesaid, That the rent charge to be reserved by the conveyances to be executed by the parties aforesaid be reserved, made payable and secured in such manner and form that one equal moiety or half part thereof be made payable to the said Frederick Smith during the term of his natural life and the other equal moiety or half part thereof to the said Margaret Smith during the term of her natural life, for which payments the

receipts of the said Margaret notwithstanding her coverture or whether she be covert or sole shall be a sufficient discharge, nor shall any assignment, release, acquaintance, discharge or incumbrance whatsoever of the said Frederick Smith at all or in any manner affect the same: And provided also, That if the said Margaret Smith should survive her said husband, the whole or the said rent charge shall survive and accrue to her the said Margaret during her life, any debts, encumbrances, charges, judgments, executions, liens or other acts in deed or in law by the said Frederick Smith and Margaret his wife jointly or by either of them separately has made, done or suffered of or concerning the said rent charge or otherwise howsoever in any wise notwithstanding. And provided also, that if the said Margaret Smith should naturally die in the life time of her said husband, that he the said Frederick Smith shall be entitled to have and receive one equal moiety of the said rent charge during all the term of his natural life, and the other equal moiety thereof shall go to such person or persons in such shares and proportions during the continuance of the natural life of the said Frederick Smith as she the said Margaret Smith or by any writing by her made in the nature of a will shall order, direct or appoint, which writing shall have the same force and effect in disposing of her said moiety of the said rent charge as if she were sole and unmarried, and for want of such disposition by her to be made, the said moiety shall survive and accrue to the said Frederick Smith and his assigns during all the time of his survivorship.

Passed September 25, 1786. Recorded L. B. No. 3, p. 149, etc.

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#### CHAPTER MCCLIII.

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AN ACT TO APPOINT A REPRESENTATION FOR THE CITY OF PHILADELPHIA AND THE SEVERAL COUNTIES IN THIS COMMONWEALTH IN PROPORTION TO THE NUMBER OF TAXABLE INHABITANTS IN EACH FOR THE ENSUING SEVEN YEARS.

(Section I. P. L.) Whereas by the seventeenth section of the constitution of this commonwealth it is declared that as repre-