

(Section IV, P. L.) And whereas great inconveniences are often sustained, in cases where lands, tenements or hereditaments are devised to be sold by executors, from the want of power in such executors to bring actions for the recovery of possession thereof, and against trespasses thereon, and otherwise manage such estates, for the benefit of those who may be interested therein:

[Section IV.] Be it further enacted by the authority aforesaid, That when by the last will and testament of a decedent, a naked authority only to sell lands, tenements or hereditaments, shall be given to executors, they shall take and hold the same interest in such lands, tenements or hereditaments, and have the same powers and authorities respecting the same, as if the said lands, tenements or hereditaments were devised to them to be sold, saving always to every testator the right to direct otherwise.

Passed March 31, 1792. Recorded L. B. No. 4, p. 308. See Act of Assembly passed March 12, 1800, Chapter 2124.

CHAPTER MDCXIX.

AN ACT FOR ANNEXING THE LOGANIAN LIBRARY TO THE LIBRARY BELONGING TO THE LIBRARY COMPANY OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas James Logan, formerly of Stenton, in the county of Philadelphia, squire, influenced by the patriotic desire of extending the benefits of learning among his fellow citizens, by deed, bearing date the eighth day of March, one thousand seven hundred and forty-five, conveyed to certain trustees, therein named, a lot of ground situate on the west side of Sixth street, in the city of Philadelphia, between Chestnut and Walnut streets, with the building thereon erected, and a large and valuable collection of books, for the use of the inhabitants of the city of Philadelphia; and for the support of the said institution, by the same deed, he vested in the said trustees

certain rents charge therein described, and reserved to himself the right of altering or canceling the said deed, and afterwards proposing to settle other rents charge, and appoint other trustees for the same purposes, he canceled the said deed, and partly prepared another, which he did not live to complete, and by his last will and testament, bearing date the twenty-fifth day of November, one thousand seven hundred and forty-nine, the said James Logan reserved from his residuary estate, and devised the two rents charge thereafter mentioned, declaring them to be intended for the use of the said institution, and since his death, William Logan and James Logan, sons of James Logan aforesaid, John Smith and Hannah his wife, the said Hannah Smith being the surviving daughter of James Logan, the elder, and the said William Logan, James Logan and John Smith being the surviving executors of his last will and testament, induced by the same laudable motives, and desirous of carry[ing] the intention of their father into effect, by deed bearing date the twenty-eighth day of August, in the year one thousand seven hundred and fifty-four, between the said parties on the one part, and Israel Pemberton, Junior, William Allen, Richard Peters and Benjamin Franklin, of the other part, conveyed to, and vested in, the said Israel Pemberton, Junior, William Allen, Richard Peters and Benjamin Franklin, their heirs and assigns, to the use of the said William Logan, James Logan, John Smith, Israel Pemberton, Junior, William Allen, Richard Peters and Benjamin Franklin, their heirs and assigns forever, in trust for the purposes hereafter mentioned, the messuage and lot of ground before mentioned, situate on the west side of Sixth street, between Chestnut and Walnut streets, in the city of Philadelphia, in the said deed particularly described, with all and singular the books therein deposited, according to the catalogue thereof, the uses and trusts of which settlement were in substance as follows; that is to say, "That there should be a perpetual succession of trustees, part of whom should be of the descendants of the said James Logan, the elder, preferring the male line to the female, as long as any of his descendants remained; that one of his male descendants, taken in priority of birth, and preferring the male line to the

female line, should be librarian of the said public library, with a power of employing deputies; that the library should be opened for the public use of the citizens; and that such books might be borrowed thereout, under certain restrictions;" and for supporting the expense of the institution, and enlarging the collection by the purchase of other books from time to time, the said parties of the first part, by the same deed, conveyed to the said parties of the second part, to the use aforesaid, and on the trusts aforesaid, the said rents charge, devised in the said last will and testament of the said James Logan, the elder, to wit, a certain rent charge of twenty-one pounds sterling per annum, with clauses of increase at stated periods, according to the valuation of disinterested men, issuing out of a certain tract of land, situate in Solebury township, Bucks county, containing three hundred and ninety-six acres and three quarters of an acre, which by deed, dated the first day of May, in the year one thousand seven hundred and fifty, was granted by the said James Logan, the elder, to Jonathan Ingham, in fee simple, and also a certain rent charge of ten pounds sterling per annum, with the like clauses of increase, issuing out of a certain other tract of land in the same township and county, containing two hundred acres, which by deed, dated the twenty-sixth day of May, in the year one thousand seven hundred and fifty, was granted by the said James Logan, the elder, to Jacob Dean, in fee simple: And whereas the said library was thereupon opened for public use, according to the provisions in the said settlement contained, but since the death of the said William Logan, who was the first librarian, the avocations of the other trustees, the situation of public affairs, and other causes, have suspended the provisions of this liberal institution, although the books are found upon examination to be in good condition: And whereas an addition has been made to the said collection, for the same purposes, of near one thousand volumes, by the will of the said William Logan, and the whole now consists of about three thousand five hundred volumes;

And whereas James Logan, the only surviving trustee of

the said institution, hath requested the legislature, that pursuant to an agreement made between him and the directors of the Library Company of Philadelphia, the said messuage, lot of ground, two rents charge, and the books and other things in the said messuage contained, may be vested in the Library Company of Philadelphia, and that power may be given to make such provisions as may tend most effectually to render the said institution beneficial to the public, consistently with the design of the founder, and it appears to the legislature proper to aid him therein:

[Section I.] (Section I, P. L.) 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 all and singular the aforesaid messuage and lot of ground, two rents charge, with all and every the arrearages thereof, and the books and other property in the said messuage contained, shall be and they are hereby vested in the Library Company of Philadelphia, their successors and assigns forever, in trust for the support and increase of the said Loganian Library.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the directors of the said Library Company of Philadelphia, for the time being, together with James Logan and such two other trustees as he shall appoint, a majority of the whole of whom shall be a quorum, shall be trustees of the said Loganian Library, and may, and shall from time to time, make such by-laws, rules and regulations for the preservation and management thereof, as consistently as may be, with the meaning and instructions of the said donors, as occasion shall require. Provided always, That the said books and other property now in the said messuage, and such additions thereto as may be made, shall always be kept separate and apart from the books belonging to the Library Company of Philadelphia, and to be called by the name of the Loganian Library, agreeably to the intention of the donor, and for continuing a succession of trustees composed of the descendants of the said James Logan, the elder, or of persons appointed by such descendants.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That upon the demise of the said James Logan, son of James Logan, the elder, the next heir male of the said James Logan, the elder, if resident in the city of Philadelphia, or within seven miles thereof, preferring the issue of the eldest son to the issue of the second, or other son, and the male line to the female line, and in case of the extinction of the male line, then the eldest heir male in the female line shall always be one of the trustees of the said institution, and shall have power to supply vacancies in case of the death or resignation of any one of the said associate trustees, and in case such male heir shall not be resident in the said city of Philadelphia, or within seven miles thereof, or shall be in his minority, the survivor or survivors of such associate trustees shall supply such vacancy, as it shall happen.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall have power to dispose of, at public sale, the said messuage and lot of ground in Sixth street aforesaid, the proceeds whereof shall be applied to the general purposes intended by the donors, and to demand, and by all lawful ways and means levy, recover and receive all and every the arrears of the said rents charge, whether the same accrued before the passing of this act, or shall hereafter accrue by distress or action, in the corporate name of the Library Company of Philadelphia.

Passed March 31, 1792. Recorded L. B. No. 4, p. 311. Supplement passed April 14, 1794, Chapter 1741.

CHAPTER MDCXX.

AN ACT TO AUTHORIZE THE REGISTER GENERAL AND COMPTROLLER GENERAL TO ADJUST AND SETTLE THE ACCOUNTS OF JOHN WETZEL.

Whereas it has been represented to the legislature by John Wetzel, that by an order of the supreme executive council,