

counts, and the said collector shall have and receive for his trouble in performing the duties hereby enjoined five per centum upon all moneys which he shall receive and pay as aforesaid; and the said provincial treasurer shall have and receive for his trouble the sum of twenty shillings for every hundred pounds by him paid and received; and that the said collector, before he enters upon the execution of his said office, shall take an oath and shall also become bound with one or more sufficient sureties in the sum of one thousand pounds to the governor [or] commander in chief for the time being, conditioned for the true and faithful execution of his said office.

[Section IV.] And be it enacted by the authority aforesaid, That so much of the said act hereinbefore last recited as relates to the appropriation of the surplus of the duties aforesaid is hereby repealed and made null and void to all intents and purposes.

Passed February 17, 1762. Referred for consideration by the King in Council, February 14, 1763, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the note to the Act of Assembly passed April 29, 1758, Chapter 432; and the Act of Assembly passed March 6, 1769, Chapter 568.

---

## CHAPTER CCCCLXXVII.

---

AN ACT FOR VESTING THE STATE HOUSE AND OTHER PUBLIC BUILDINGS, WITH THE LOTS OF GROUND WHEREON THE SAME ARE ERECTED, TOGETHER WITH OTHER LOTS SITUATE IN THE CITY OF PHILADELPHIA, IN TRUSTEES FOR THE USES THEREIN PARTICULARLY MENTIONED.

Whereas by the directions of the representatives of the free-men of the province of Pennsylvania Andrew Hamilton and William Allen, Esquires, did purchase for the use of the said province divers lots of ground situate and being on the south side of Chestnut street, in the city of Philadelphia, lying contiguous to each other and contained within the bounds following, to wit: Beginning at a corner on the east side of the Sixth

street from Delaware and on the south side of Chestnut street and extending thence by the said Chestnut street south seventy-five degrees east, three hundred and ninety-six feet to a corner on the west side of the Fifth street from Delaware, thence by the same south fifteen degrees west, three hundred thirty-seven feet; thence by other ground north seventy-five degrees west, one hundred and forty-eight feet and an half, to a line of a lot of ground reputed to be vacant, thence by the same these three several courses and distances next following, to wit: North fifteen degrees east, eighty-two feet, thence north seventy-five degrees west, ninety-nine feet; thence south fifteen degrees west, eighty-two feet, thence by other ground north seventy-five degrees west, one hundred and forty-eight feet and an half to the east side of Sixth street aforesaid, thence by the same north fifteen degrees east, three hundred thirty-seven feet to the place of beginning. And whereas the said William Allen did also purchase of Andrew Morris for the use of the said province one other lot of ground adjoining to the land herein first mentioned, bounded on the south by Walnut street, eastward with a lot formerly of John Bird, northward with ground hereinbefore described, and westward with a lot reputed to be vacant, containing in breadth on the said Walnut street forty-nine and an half feet and in length or depth two hundred and fifty-five feet. And whereas since the purchases aforesaid were made as aforesaid, a State House and other buildings have been erected at the charge of the said province on part of the ground so purchased; and to the end and intent that the said State House, buildings and part of the lots of ground so purchased might be effectually secured to and for the use of the province, it was declared and enacted in and by an act of General Assembly passed in the ninth year of the late reign, entitled "An act for vesting the State House and other public buildings with the lots of land whereon the same are erected in trustees for the use of this province,"<sup>1</sup> that the said Andrew Hamilton and William Allen should, and they were thereby required to convey by some good and sufficient assurance or assurances in the law unto John Kinsey, Joseph Kirkbride (the younger), Caleb Cowp-

---

<sup>1</sup> Passed February 20, 1735-36, Chapter 343.

land and Thomas Edwards, Esquires, the lands, tenements and hereditaments aforesaid and all and singular the appurtenances thereunto belonging or in any wise appertaining, to hold to them and the survivors of them, and to the heirs of the survivor of them forever, to the uses, intents and purposes in the same act particularly mentioned and specified. And whereas the said Andrew Hamilton, John Kinsey, Caleb Cowpland and Joseph Kirkbride, junior, are since dead, and the said assurance or assurances have not been as yet executed and perfected according to the directions of the said act, now, to the end and intent that the said State House, buildings and lots of ground purchased and described as aforesaid (excepting and always foreprizing thereout two certain corner lots hereinafter described) may be effectually secured to the use of this province, and that the legal estate and heritage thereof may be vested in trustees to and for the uses and purposes hereinafter mentioned and specified:

[Section I.] Be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon 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, That the said State House, buildings and lots of ground purchased as aforesaid, except as before excepted and foreprized, and all the immunities, improvements, advantages, hereditaments and appurtenances to the same belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders thereof, and all the estate, right, title, interest, claim and demand whatsoever of the said Andrew Hamilton, in his life time and of his heirs at law since his decease, and of the said William Allen of, in, to and out of the premises shall, from and after the passing of this act, be settled upon and vested in Isaac Norris, Thomas Leech, Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton and Edward Pennington, Esquires, and the survivors and survivor of them and the heirs and assigns of such survivor forever freed and discharged and

absolutely acquitted, exempted and exonerated of and from and against all and every the uses, intents and purposes mentioned and contained in the said recited act of Assembly and of and from all claims and demands of the said heirs of the said Andrew Hamilton and the said William Allen and his heirs, and of either or any of them forever; but nevertheless upon the trusts and to and for the ends, intents and purposes and subject to the uses hereinafter mentioned, expressed and declared: That is to say, to and for the use of the representatives of the freemen of this province which now are and from time to time hereafter shall be duly elected by the freemen aforesaid, and to and for such other uses, intents and purposes as they, the said representatives, at any time or times hereafter in assembly met shall direct and appoint.

Provided always, nevertheless, and it is hereby declared to be the true intent and meaning hereof, that no part of the said ground lying to the southward of the State House within the wall as it is now built to be made use of for erecting any sort of building thereon, but that the same shall be and remain a public green and walk forever.

And upon this further trust and confidence and to this further end, intent and purpose that the said Isaac Norris, Thomas Leech, Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton and Edward Pennington and the survivors and survivor of them and the heirs of such survivor shall, from time to time, and at all times hereafter permit and suffer such suit and suits, action and actions, to be commenced and prosecuted in his or their name or names or against him or them, or any of them, and also make, seal, deliver, execute and acknowledge such deed or deeds, conveyance or conveyances, fines, recoveries or assurances in the law for the lands, tenements and hereditaments settled and vested in the said trustees as aforesaid or any part and parcel thereof to the uses aforesaid to such person or persons and in such manner and form and to the uses aforesaid as the representatives aforesaid in assembly met shall at any time or times hereafter direct and appoint.

So always that they, the said Isaac Norris, Thomas Leech, Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton

and Edward Pennington and their heirs, executors and administrators and every of them, be well and truly indemnified, saved and kept harmless of and from any costs, charges, troubles or molestations whatsoever which may arise for or by reason of such suits, deeds, conveyances, fines, recoveries or assurances so to be commenced, prosecuted, made and executed.

And whereas two certain lots of ground situate and lying in the said city of Philadelphia, being parts and parcels of the said lot of ground before described, one of them beginning at a corner on the east side of Sixth street and on the south side of Chestnut street and extending thence by the said Chestnut street, fifty feet to a corner, thence south fifteen degrees west seventy-three feet to another corner, thence north seventy-five degrees west fifty feet to a corner, being on the east side of the said Sixth street, and from thence along the said street north fifteen degrees east seventy-three feet to the place of beginning; and the other of the said lots beginning at a corner on the west side of Fifth street from Delaware Front street and on the south side of Chestnut street and extending from thence along the west side of Fifth street seventy-three feet to a corner being on the west side of the said Fifth street, and from thence north seventy-five degrees west fifty feet to a corner, and from thence north fifteen degrees east seventy-three feet to the south side of Chestnut street and from thence along the south side of the said Chestnut street fifty feet to the place of beginning, were purchased by the said Andrew Hamilton, in his lifetime, with intent that they should be assured and conveyed to the trustees aforesaid, one of them for the use of the county of Philadelphia, and the other of them for the use of the city of Philadelphia aforesaid for erecting two public buildings for the holding of courts or common halls for the said county and city respectively, which assurance or conveyance was never made and executed: Now, to the end and purpose that the said lots may be effectually secured to the several and respective uses aforesaid and that the said estate and inheritance of the premises may be vested in trustees for the uses, intents and purposes hereinafter mentioned and specified:

[Section II.] Be it enacted by the authority aforesaid, That

the said two lots of ground last above described and all the immunities, improvements, advantages, hereditaments and appurtenances to the same belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders thereof, and all the estate, right, title, interest, claim and demand of the said Andrew Hamilton in his lifetime and of his heir or heirs since his death shall, from and immediately after the passing of this act, be settled upon and vested in Isaac Norris, Thomas Leech, Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton and Edward Pennington, Esquires, and the survivors and survivor of them and the heirs of such survivor forever freed, exonerated and forever discharged of and from all claims and demands whatsoever of the said heir or heirs at law of the said Andrew Hamilton, in trust nevertheless and to and for the ends, intents and purposes and subject to the uses hereinafter mentioned, expressed and declared: That is to say, that they, the said Isaac Norris, Thomas Leech, Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton and Edward Pennington or the survivors and survivor of them and the heirs and assigns of such survivor upon payment of the sum of fifty pounds lawful money of this province for each of the said lots to them, the said trustees or the survivors or survivor of them, for the use of the province, shall convey and make over by some proper conveyance or conveyances, deed or deeds and assurance or assurances in the law at the proper costs and charges of the county of Philadelphia one of the said lots of ground, to wit, the lot bounded on Sixth street aforesaid, to such person or persons and their heirs as the justices of the court of quarter sessions of the said county shall nominate and appoint, to and for the building and erecting a public building thereon for the holding of courts or common halls for the said county; the other of the said lots bounded on Fifth street aforesaid to the mayor or commonalty of the city of Philadelphia and their successors for erecting a public building thereon for the holding of courts or common halls for the use of the said city and to no other use or uses, intents or purposes whatsoever, which said buildings shall be made and constructed of the like outward form, structure and dimensions.

Saving and always reserving to all and every person and persons, bodies politic and corporate, his, her and their heirs and successors, executors and administrators (other than the heirs of the said Andrew Hamilton and the said William Allen and his heirs, and of the said Isaac Norris, Thomas Leech and Joseph Fox and their and each of their heirs, under certain deeds of trust bearing date the sixteenth of September, one thousand seven hundred and sixty-one, made by the said James Hamilton and William Allen to them, the said Isaac Norris, Thomas Leech and Joseph Fox and their heirs, pursuant to the directions of the representatives of the people) all such estate, right, title and interest of, in, to and out of the premises vested in the trustees as aforesaid as they, every or any of them had before the passing of this act or could or might have had or enjoyed in case this act had not been made or passed.

[Section III.] And be it further enacted by the authority aforesaid, That this act shall be deemed, adjudged and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices and other persons whatsoever without specially pleading the same.

[Section IV.] And be it enacted by the authority aforesaid, That the act, entitled "An act for vesting the State House and other public buildings with the lots of land whereon the same are erected in trustees for the use of the province,"<sup>1</sup> shall be and is hereby declared to be repealed, null and void to all intents and purposes.

Passed February 17, 1762. Referred for consideration by the King in Council, February 14, 1763, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section II, and the Acts of Assembly passed May 14, 1762, Chapter 482; February 28, 1780, Chapter 878; April 8, 1765, Chapter 1165; March 10, 1812, P. L. 101; March 13, 1815, P. L. 162; March 11, 1816, P. L. 109; March 23, 1818, P. L. 234; March 7, 1821, P. L. 83; August 5, 1870, P. L. (1871) 1548; July 3, 1895, P. L. 604.

---

<sup>1</sup> Passed February 20, 1735-36, Chapter 343.