

CHAPTER DCCCLXXVIII.

AN ACT FOR VESTING THE STATE HOUSE IN THE CITY OF PHILADELPHIA; THE HOUSE IN HIGH STREET IN THE SAID CITY APPROPRIATED TO THE USE OF THE PRESIDENT OF THE SUPREME EXECUTIVE COUNCIL FOR THE TIME BEING, THE PROVINCE ISLAND AND GREAT MUD ISLAND, THE MILITARY BARRACKS IN THE NORTHERN LIBERTIES OF THE CITY OF PHILADELPHIA, AND IN THE NORTHERN PART OF THE BOROUGH OF LANCASTER, THE PUBLIC STOREHOUSE AND THE MAGAZINE FOR SECURING GUNPOWDER IN THE SAID BOROUGH, THE SEVERAL COURT HOUSES, GAOLS, PRISONS AND WORKHOUSES OF THE SEVERAL COUNTIES OF THIS STATE, AND ALL OTHER REAL ESTATE BELONGING TO THE PUBLIC IN THE COMMONWEALTH.

(Section I, P. L.) Whereas, on account of the difficulty of securing in a proper manner the real estate of the public in the late province, now state of Pennsylvania, the same was vested in feoffees or trustees or in bodies politic and corporate:

And whereas, the persons enfeoffed of the same may have, in some cases, all died and it may be difficult to ascertain the person to whom the estate so vested hath descended, if suits in the law should be necessary for the conservation of the said real estate:

For remedy whereof and to place the same on a uniform, convenient and permanent footing:

[Section I.] (Section II, P. L.) Be it 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 the state house, in the city of Philadelphia, together with the adjoining lot and piece of ground thereunto appertaining, bounded by Chestnut street on the north, Fifth street from the river Delaware on the east, Sixth street from the said river on the west, and Walnut street on the south, as the same are now vested in Samuel Rhoads and Edward Penington, and the house and lots situate on High street, Minor street and Sixth street, in the said city, late the

estate of Joseph Galloway, Esquire, appropriated and appointed for the use of the president of the supreme executive council by an act, entitled "An act for vesting the house and lots therein described in trustees for the use of the president of the supreme executive council of this state for the time being,"¹ passed on the eighteenth day of March last, and the island called the Province island, situate on the south side of the mouth of the river Schuylkill, adjoining to the river Delaware, within the township of Kingsessing and county of Philadelphia, and heretofore known by the name of Fisher's island, containing about three hundred and forty-two acres, as the same was held in trust by Joseph Harvey, Thomas Tatnel, Joseph Trotter, James Morris and Oswald Peel and afterwards conveyed by the said Joseph Trotter, the survivor of the said trustees, to Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton, Edward Penington, Charles Humphreys and Michael Hillegas, and the island in the river Delaware named Great Mud island, or Deep Water island, situate southward of the Province island, as the same was held by Joseph Galloway, and by him sold for a fortress to the public, who paid him the full consideration thereof, but had no transfer of the said island made by said Joseph Galloway; yet by his attainder it is become the estate of the public, the military barracks situate between Second and Third streets continued in the Northern Liberties of the city of Philadelphia, together with the lots and pieces of land thereunto belonging and appertaining, as the same was purchased of Anthony Wilkinson and John Jennings and wife for the purpose of erecting the said barracks at the cost of the late province, now state of Pennsylvania, and as the same are now vested in the heirs of Joseph Fox, deceased, and the military barracks in the north part of the borough of Lancaster, in the county of Lancaster, together with the lot of land thereunto appertaining as the same are now held by James Webb in trust for the public, the public storehouse situate on the western side and near the north end of Queen street, in the said borough, and the magazine for securing gunpowder in the said borough lying eastward of the

¹ Passed March 18, 1779, Chapter 829.

said storehouse, and the new gaol and workhouse of the city and county of Philadelphia, on Walnut street and Sixth street, in the city of Philadelphia, as the same is now vested in the commissioners of the city and county of Philadelphia, and their successors who held the same as a body politic and corporate for that purpose and all and singular the court houses, gaols, prisons and workhouses, together with the lots of land whereon they severally stand, or which are appurtenant to them of and in the several counties of this state, as they now are or heretofore have been vested in any feoffees or trustees or in any bodies politic and corporate for the several use of the said counties, respectively, and also all other real estate to the good people of this commonwealth, or of any county thereof in their public and collective capacity belonging or to their use or interest for them vested and conveyed, shall be and hereby are vested in the commonwealth, freed and discharged and absolutely acquitted, exempted and exonerated of and from and against all claims and demands of the said feoffees or trustees or bodies politic and corporate or of the survivors and survivor of such feoffees and trustees and every of them and of the heirs of such survivors and survivor forever, subject, however, to the several uses, intents, trusts, dispositions and direction for which the same have been heretofore respectively appointed and limited, and to none other, saving and always reserving to every person and persons, bodies politic and corporate, his and their heirs, successors other than the said feoffees and trustees, all such estates, right, title and interest, of, in, to and out of the premises vested in trust 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, P. L.) Provided always, That nothing in this act shall extend to vest in the commonwealth the old temporary prison, situate on the eastern side of the main cross street in the town of Bedford, nor to vest in the commonwealth the old gaol and workhouse nor the land thereunto appertaining, fronting on the south side of High street and extending along Third street from Delaware, in the city of Philadelphia, as

the same was holden by Joshua Carpenter, in trust for the use of the city and county of Philadelphia:

[Section II.] But it is hereby enacted by the authority aforesaid, That the supreme executive council may and shall sell and convey the said old gaol and workhouse in the city of Philadelphia to the private use of the purchaser by deed or deeds under the great seal, signed by the president or vice-president of the said council for the sole benefit and advantage notwithstanding of the said city and county.

(Section IV, P. L.) And provided also, That the representatives of the freemen of this commonwealth in general assembly met shall and may, from time to time, by their vote appoint trustees to take upon them the care and management of the island called the Province island, together with its appurtenances, and to receive the rents, issues and profits thereof, and to account for the same and to make leases, in like manner and under like restrictions as the feoffees or trustees of the said island, heretofore vested with the estate thereof might or could do.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That so much of an act of assembly of the late province of Pennsylvania, entitled "An act for vesting the Province island and the buildings thereon erected, and to be erected, in trustees for providing an hospital for such sick passengers as shall be imported into this province, and to prevent the spreading of infectious distempers,"¹ passed on the third day of February, which was in the year of our Lord one thousand seven hundred and forty-three; and so much of another act of assembly of the said late province, entitled "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,"² passed on the twentieth day of February, which was in the year of our Lord one thousand seven hundred and thirty-six, and so much of another act of assembly of the said late province, entitled "An

¹ Passed February 3, 1743, Chapter 357.

² Passed February 30, 1736, Chapter 343.

act for erecting a new gaol, workhouse and house of correction in the city of Philadelphia,"¹ passed on the twenty-sixth day of February, which was in the year of our Lord one thousand seven hundred and seventy-three; and so much of another act of assembly of the said late province, entitled "An act to enable Jeremiah Langhorne, William Biles, Joseph Kirkbride, Junior, Thomas Watson, practitioner in physic, and Abraham Chapman to build a new court house and prison in the county of Bucks,"² passed on the twentieth day of March, Anno Domini one thousand seven hundred and twenty-five, and so much of the several acts of assembly of the said late province by which the counties of Lancaster, York, Cumberland, Berks, Northampton, Bedford, Northumberland and Westmoreland were erected and established, and so much of an act of assembly of this commonwealth, entitled "An act for vesting the house and lots therein described in trustees for the use of the president of the supreme executive council of this state for the time being," passed on the eighteenth day of March last, and of any other act of assembly, which is hereby altered or supplied by or is repugnant to the provisions and directions of this act is hereby repealed and made void.

Passed February 28, 1780. See the Acts of Assembly passed March 18, 1782, Chapter 959; April 1, 1784, Chapter 1097; April 8, 1785, Chapter 1165; April 2, 1790, Chapter 1507; September 30, 1791; Chapter 1589; April 15, 1795, Chapter 1838. Recorded L. B. No. 1 page 330, &c.

CHAPTER DCCCLXXIX.

AN ACT FOR ERECTING AN HIGH COURT OF ERRORS AND APPEALS.

(Section I, P. L.) Whereas by the laws of the late province, now state, of Pennsylvania a very expensive, difficult and precarious remedy was provided for parties injured by erroneous judgments, sentences and decrees given or pronounced therein,

¹ Passed February 26, 1763, Chapter 674.

² Passed March 20, 1725, Chapter 283.