

CHAPTER MCLXV.

AN ACT TO VEST THE PERSONAL ESTATE OF THE LATE CORPORATION OF THE MAYOR AND COMMONALTY OF THE CITY OF PHILADELPHIA, IN THE WARDENS OF THE SAID CITY, AND TO DIRECT THE IMMEDIATE SALE OF THE OLD GAOL AND WORKHOUSE OF THE COUNTY OF PHILADELPHIA, AND TO APPROPRIATE THE SAID PERSONAL ESTATE AND PART OF THE MONEYS TO ARISE FROM THE SALE OF THE SAID GAOL AND WORKHOUSE, TO THE BUILDING OF TWO COURT HOUSES, ONE FOR THE SAID CITY, THE OTHER FOR THE SAID COUNTY, ON THE STATE HOUSE LOT IN THE SAID CITY, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas by the late revolution all powers and jurisdictions which were not founded on the authority of the people became null and void, and consequently the late corporation of the mayor, recorder, aldermen and common council of the city of Philadelphia, and their successors by the name of the mayor and commonalty of Philadelphia in the province of Pennsylvania was dissolved and extinguished:

(Section II, P. L.) And whereas the said mayor and commonalty before the late revolution, had for a valuable consideration obtained from sundry persons, certain bills, bonds and obligations, whereby the several obligors therein named were bound and holden to the said corporation of the mayor and commonalty of Philadelphia in divers sums of money, and the said moneys or sums of them were also further secured to the same corporation by deeds of mortgage defeasible upon the payment of the said sums of money, respectively, divers of the same obligations and mortgages have not been satisfied, and it is necessary, and withal highly just and equitable, that the said sums of money, which belong to the inhabitants of the said city should be recovered, and applied to the public use and benefit of the said city:

[Section I.] (Section II, P. L.) [sic] Be it therefore 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 bills, bonds, obligations and mortgages aforesaid, which are now in the custody of the president in council, be and the same are hereby vested in the corporation of the wardens of the city of Philadelphia, and their successors, and the same shall be delivered to the said wardens, and they are hereby authorized, enabled and directed to sue for, recover and receive the moneys therein expressed and acknowledged to be due and payable as fully and effectually to all intents and purposes, as the said late corporation of the mayor and commonalty of Philadelphia, in the province of Pennsylvania, and their successors, might or could have done at any time before the fourth day of July, which was in the year of our Lord one thousand seven hundred and seventy-six, and the wardens of the said city and their successors, may bring actions of debt, and sue out writs of fieri facias, and other process, for the purpose aforesaid, in their own name, as if the said bills, bonds, obligations and all mortgages were payable to the wardens of the city of Philadelphia, and their successors, and upon recovery of the moneys due and payable thereupon respectively, and on payment thereof to their treasurer, shall execute proper releases and acquittances for the same.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation of the wardens of the city of Philadelphia, and their successors, shall be, and they are hereby invested with, and enabled to sue for, recover and receive in like manner, all other moneys, which on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, were due, owing or payable, or which were to become due, owing or payable afterwards, to the said late corporation of the mayor and commonalty of Philadelphia, in the province of Pennsylvania, and their successors, and which then remained unsatisfied as fully and effectually to all intents and purposes as the said mayor and commonalty might have sued for, and recovered the same in the courts of record in the province aforesaid.

(Section V, P. L.) Provided always, That the several persons who became bound and holden as obligors and debtors to the said mayor and commonalty of Philadelphia, by the said bills,

bonds, obligations and mortgages or otherwise, shall have and enjoy the indulgences of the act of general assembly, passed on the twenty-third day of December last, entitled "An act for directing the mode of recovering debts contracted before the first day of January in the year of our Lord one thousand seven hundred and seventy-seven."¹

(Section VI, P. L.) And whereas, in and by the act of general assembly, passed in the late province of Pennsylvania, on the seventeenth day of February, which was in the year of our Lord one thousand seven hundred and sixty-two, 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, situated in the city of Philadelphia, in trustees, for the uses therein mentioned,"¹ it is declared in substance, that, upon the payment of fifty pounds for the use of the said province, one lot of ground, parcel of the said state house lot, of the breadth of fifty feet on Chestnut street, and of the length of seventy-three feet on Sixth street, being the north-western corner of the said state house lot, should be, and remain to the use of the county of Philadelphia, and that upon payment of fifty pounds for the use of the said province, one other lot of ground, also parcel of the said state house lot, of the breadth of fifty feet on Chestnut street, and of the length or depth of seventy-three feet on Fifth street, being the north-east corner of the said state house lot should be, and remain to the use of the city of Philadelphia, with intent and purpose, that a public building should be erected on each of them, for holding of courts of common halls, for the use of the said city, and of the said county respectively, and that the said buildings should be made and constructed of like outward form or structure and dimensions.

(Section VII, P. L.) And whereas the said state house, together with the adjoining lot and piece of ground thereunto appertaining, by an act of general assembly of this commonwealth, entitled "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

¹ Passed April 3, 1781, Chapter 935.

¹ Passed February 17, 1762, Chapter 477.7

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 store-house and magazine for securing gun-powder 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,"² was transferred from Samuel Rhoads and Edward Pennington, who survived the rest of the trustees aforesaid, was thereby vested in the commonwealth; subject to the several uses, intents, trusts, dispositions and directions for which the same had been theretofore appointed and limited, and to no other, and saving to all private persons, and bodies politic, their claims to the same, or any part thereof.

(Section VIII, P. L.) And whereas it appears to this house, that the commissioners for the county of Philadelphia, in behalf of said county and the wardens of the city of Philadelphia, on behalf of said city, have complied with the terms aforesaid, and have respectively paid to the treasurer of this state, the said sums of fifty pounds each, whereby the one described lot, the corner of Sixth and Chestnut streets and state house square, is hereby vested in the commissioners of the county of Philadelphia, and their successors; and the other before described lot in the wardens of the city, and their successors, forever, for the respective uses and purposes aforesaid; and it is proper that the court houses designed to be erected thereon, should be built; therefore:

[Section III.] (Section IX, P. L.) Be it further enacted by the authority aforesaid, That the president or vice-president in council, shall as soon as conveniently may be, direct the commissioners of the county of Philadelphia, to set up to sale, and [to] sell by public auction, to the best and highest bidder, the old gaol and workhouse of the county of Philadelphia, situate on High street, and extending southerly by the west side of Third street, in the said city, and the lot of ground thereto belonging, upon such terms of payment, as they shall see convenient, and to receive the consideration money, and pay into the hands

² Passed February 28, 1780, Chapter 878.

of the commissioners, or trustees appointed for purchasing a lot of ground, and for erecting thereon a court house and prison, in and for the county of Montgomery, such part thereof as is apportioned and appropriated for that purpose, in and by an act of assembly, passed the tenth of September last past, entitled "An act for erecting part of the county of Philadelphia into a separate county,"¹ (which said commissioners or trustees shall lay their accounts of the expenditures thereof before the grand jury of the said county of Montgomery for their approbation and confirmation, and shall pay the overplus, if any, into the hands of the treasurer of said county), and to apply such further sum of said consideration, not exceeding three thousand pounds in the whole, to the purpose of erecting the court house aforesaid, on the northwest corner of the said state house lot; and the residue of the money which shall arise from the sale of the said old gaol, workhouse, and the lots thereto belonging, shall be added to, and expended as part of the public stock of the county of Philadelphia; and upon payment of the full price and consideration for the said lots, sold as aforesaid, the president or vice-president in council shall execute deeds under the great seal, vesting in buyers of the same, or any part thereof, estates in fee simple, subject to an irredeemable rent of an acorn per annum, forever, payable if demanded, to the commonwealth.¹

[Section IV.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the wardens of the city of Philadelphia, of the moneys which shall come to their hands out of the personal estate of the late mayor and commonalty of Philadelphia, as aforesaid, together with all interest which has, or which shall accrue thereon, shall apply a sum not exceeding three thousand pounds, to the erecting a court house on the northeastern corner of the said state house lot as aforesaid; and if the same personal estate shall fall short of completing the said building, such sums as shall be necessary, shall be taken out of the common stock of the said city, in the hands of the treasurer of the said wardens; and after finishing the said building, if any of the moneys arising as aforesaid, shall be left, the

¹ Passed September 10, 1784, Chapter 1108.

same shall be added to the said common stock, and applied therewith to the same uses.

[Section V.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the county of Philadelphia, and the wardens of the said city, shall submit the plans, whereby the said court houses shall be erected, to the approbation of the president or vice-president in council, in order that their outward forms may be alike and uniform as aforesaid.

Passed April 8, 1785. Recorded L. B. No. 2, p. 527. See the Act of Assembly passed September 13, 1785, Chapter 1177.

CHAPTER MCLXVI.

AN ACT FOR THE RELIEF OF DIVERS OFFICERS, LATE OF THE STATE NAVY.

(Section I, P. L.) Whereas the officers late of the navy of this commonwealth, who were deranged by the state in the year of our Lord one thousand seven hundred and seventy-eight, have, by their petition, represented to this house, that their services to this state, and virtually to the United States were interposed at a perilous and critical period of the late war, and would have been cheerfully continued had the state deemed it necessary to employ them: And whereas it appears that the officers of the army, and those of the navy who continued in service, have been allowed the depreciation of their pay, with other emoluments:

(Section II, P. L.) And whereas it is just and reasonable that provision should be made for granting the depreciation of their pay to those who were deranged as aforesaid:

Therefore:

[Section I.] (Section III, 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 said officers shall and they are hereby respectively entitled to have the depreciation of their