

Sec. 2. *And be it further enacted by the authority aforesaid,* That immediately after the said prison shall be completed, and suitable for the admission of prisoners, the said inspectors shall cause to be removed thereunto, all persons that may be then confined in the prison of the city and county of Philadelphia, under the denomination of prisoners for trial, vagrants, runaway or disorderly servants and apprentices, and all such other descriptions of persons, (except convicts) as have been heretofore confined in the county prison, and to receive into the said new prison, all persons of the aforesaid description that may hereafter be legally committed.

On the completion of said prison, all vagrants, &c. confined in the city & county prison to be removed thither.

SIMON SNYDER, *Speaker*  
of the House of Representatives.

ROBERT WHITEHILL, *Speaker*  
of the Senate.

APPROVED—April the second, 1803 :

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

## CHAPTER CLXXVI.

A SUPPLEMENT to the act, entitled “ An act to enable the Justices of the Supreme Court, to hold circuit courts within this Commonwealth.”

Section 1. **B**E 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 whenever any sheriff or other proper officer, who by virtue of

Where a sheriff, by virtue of an execu-

of

tion issued by the supreme or circuit court, sells lands &c. and dies or is removed before executing a deed to the purchaser, proceedings to obtain a title to such lands &c.

of any testatum executions or other writs grounded thereon, or by virtue of any other executions whatever, issued either by the supreme or circuit courts, shall hereafter take in execution and sell, any lands, tenements or hereditaments, shall die or be removed before any deed shall be executed by him to the purchaser, then and in every such case the plaintiff or purchaser may apply to the circuit court of the supreme court, in the county wherein the lands, tenements or hereditaments so as aforesaid lie, and set forth the case to the said circuit court, with the reason why the title was not perfected by the former sheriff or other officer who sold the same, and thereupon the said circuit court shall as justice and equity require, order and direct the sheriff or other proper officer for the time being, to perfect such title, and execute a deed for the same to the purchaser, and upon such order obtained as aforesaid, and entered on the records of the said circuit court, it shall and may be lawful for the sheriff or other proper officer, according to the said order and direction, and he is hereby empowered and required, upon the full discharge and payment of the money or price for which the said lands, tenements or hereditaments; with such costs and charges as remain unpaid to the former sheriff or other officer, to make, execute, deliver and acknowledge any deed or deeds, and to perform and do all matters and things that by the former sheriff or other officer might, could or ought to have been performed or done in and about the premises, which when done and performed, shall be held and adjudged as effectual in law, as if the title had been completed by the former sheriff or other proper officer.

Sec. 2. And whereas it frequently occurs, that defendants in ejectment commit great waste and destruction of the premises demanded during the pendency of the suit, and before the trial thereof, and it has heretofore been considered that the writ of estressement to prevent such waste and destruction can issue only upon affidavit filed, and motion to the court in term time, and the necessity of the case may require a more expeditious remedy, and it is just and proper to extend the remedy of the said writ: *Be it therefore further enacted by the authority aforesaid,* That when any ejectment shall be depending in the supreme court, circuit court or court of common pleas, it shall and may be lawful for the prothonotary or clerk of the court, in which such ejectment is or shall be depending; upon affidavit of the plaintiff or other person knowing the fact, filed in his office, that the tenant or defendant in such ejectment has committed or is committing waste and destruction of or in the premises, to issue a writ of estressement to prevent the same of course, without motion to the court and in vacation, which affidavit shall be sworn before one of the judges of the supreme court or common pleas, and shall be considered regular though the judge before whom it shall be taken, may not be a judge of the court in which such ejectment shall or may be depending.

Writs of estressement to prevent waste may be issued in vacation upon affidavit filed.

SIMON SNYDER, *Speaker*  
of the House of Representatives;

ROBERT WHITEHILL, *Speaker*  
of the Senate.

APPROVED—April the second, 1803:

THOMAS M'KEAN, *Governor*  
of the Commonwealth of Pennsylvania.

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