

## CHAPTER CCCLXXVII.

1762.

*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 freemen 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 Chesnut-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 Chesnut-street, and extending thence by the said Chesnut-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 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 Anthony 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 herein before 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*, 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 Cowpland, 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, for ever, 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 herein after described) may be effectually secured to the use of this province, and that the legal estate and inheritance thereof may be vested in trustees, to and for the uses and purposes herein after mentioned and specified, *Be it enacted*, 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, for ever, 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, for ever: But, nevertheless, upon the trusts, and to and for the ends, intents and purposes, and subject to the uses, herein after 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, be made use of for erecting any sort of buildings thereon; but that the same shall be and remain a public green and walk for ever.

[II. 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

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The State-house, buildings, &c. vested in trustees.

But so much of this act as creates the trust, is repealed by act of February 28th, 1780, (chap. 867,) and the property vested in the commonwealth for the original uses.

[Repealed, chap. 867.]

Trustees to suffer actions to be commenced, &c.

1762. 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.

III. 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 Chesnut-street, and extending thence by the said Chesnut-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 Chesnut-street, and extending from thence along the west side of the said 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 Chesnut-street, and from thence along the south side of the said Chesnut-street fifty feet, to the place of beginning; were purchased by the said Andrew Hamilton in his life-time, 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 estate and inheritance of the premises may be vested in trustees, for the uses, intents and purposes herein after mentioned and specified, *Be it enacted*, 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 life-time, 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 for ever,

The two  
lots above  
described to  
be vested in  
the trustees,  
&c.

freed, exonerated, and for ever 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 herein after 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 and 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.

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IV. Saving and always reserving to all and every person and persons, bodies politic and corporate, his, her and their heirs, 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, 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.

V. *And be it further enacted*, 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.

This act to be deemed a public act.

VI. *And be it enacted*, 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*,\* shall be, and is hereby declared to be, repealed, null and void, to all intents and purposes.

\* Chap. 344.

Passed 17th February, 1762.—Recorded A. vol. IV. page 272. (d)

(d) By chap. 482, post. the trustees of the Loan-office were empowered to apply five thousand pounds, to complete the purchase of certain lots for the State-House square.

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By chap. 652, persons convicted of maliciously and voluntarily burning the State-House, &c. were to suffer capital; and breaking into the buildings, with intent to commit a felony, &c. was made highly penal. But see the alterations in the penal code on this subject, ante. chap. 236, pa. 105. (in note.)

By chap. 867, the State-House and other public buildings, islands, &c. heretofore held in trust, were vested in the commonwealth.

For other acts relative to vesting lots adjoining the State-House in the county and city commissioners respectively, for public uses, for building two new

court houses, &c. enlarging the lots, see chap. 1154, 1282.

For an act vesting a part of the public square at the State-House in the American Philosophical Society, see chap. 1136.

[For acts providing for the accommodation of Congress, in the public buildings, see chap. 1679, 1819. Now all obsolete, and chap. 2963, which will expire (conditionally) March 26th, 1811.]

For acts providing for the improvement of the State-House, &c. see chap. 1578, 1891, sect. 1, 7, chap. 1948, 2082, sect. 4. (Note to former edition.)

## CHAPTER CCCCLXXVIII.

### *An ACT for the more effectual suppressing and preventing of Lotteries.*

WHEREAS many mischievous and unlawful games, called lotteries, have been set up in this province, which tend to the manifest corruption of youth, and the ruin and impoverishment of many poor families: And whereas such pernicious practices may not only give opportunities to evil disposed persons to cheat and defraud the honest inhabitants of this province, but prove introductive of vice, idleness and immorality, injurious to trade, commerce and industry, and against the common good, welfare and peace of this province: For remedying whereof, *Be it enacted, adjudged and declared*, That all lotteries whatsoever, whether public or private, are common and public nuisances, and against the common good and welfare of this province.

All lotteries common and public nuisances.

Penalty on persons erecting lotteries, &c. See the act against vice and immorality, post. Chap. 1746.

II. *And be it further enacted*, That, from and after the publication of this act, no person or persons whatsoever shall publicly or privately set up, erect, make, exercise, keep open, shew or expose to be played at, drawn at, or thrown at, [any lottery, play, or device,\*] or shall cause or procure the same to be done, either by dice, lots, cards, balls, tickets, or any other numbers or figures, or in any other manner or way whatsoever; and that every person or persons that shall set up, erect, make, exercise, keep open, shew or expose to be played at, drawn, or thrown at, any such lottery, play or device, or that shall cause or procure the same to be done, after the publication of this act, and shall be thereof legally convicted in any Court of Quarter Sessions, within the jurisdiction whereof the said offences shall be committed, or in the Supreme Court, if thereunto removed from any of the inferior Courts within this province, shall forfeit and pay the sum of five hundred pounds, lawful money of Pennsylvania.

\* The words inserted between crotchets are printed in the former edition of the laws, but are not contained in the original roll; being, however, necessary to the sense of the section, they are here preserved. (Note to former edition.)