

ACTS

OF THE

General Assembly of Pennsylvania.

Passed at a Session which commenced October 14th, 1772,
and ended September 28th, 1773.

RICHARD PENN, LIEUTENANT GOVERNOR.

1773.

CHAPTER DCLXXII.

An ACT for emitting the sum of one hundred and fifty thousand pounds, in bills of credit, on loan, and providing a fund for the payment of public debts.

[THE greatest part of this act is obsolete. That part of it only, which provides for the collection and recovery of balances, is necessary to be retained. The sum is not very considerable, and the whole act must, in a short period, become entirely obsolete.

£.150,000, to be struck in bills of credit. Sect. 2 prescribed their several denominations; Sect. 3 made it the duty of Trustees to prevent the fraudulent or clandestine printing of more than the prescribed quantity; Sect. 4, The signers of the bills appointed; Sect. 5, The Trustees directed to deliver the bills in parcels to the signers, who were to give receipts for the same, &c. and the signers to have a certain allowance. Sect. 6, Trustees appointed, who were to give bond, &c.—to be sworn or affirmed, &c. and by Sect. 7, the oath or affirmation to be endorsed on the bonds, and the bonds and endorsements to be recorded by the Recorder of Deeds of Philadelphia—Sect. 8. The Trustees incorporated by the name of “Trustees of the General Loan Office of the Province of Pennsylvania”—to loan the money upon mortgage—to determine the value of the lands, &c.—judge of the titles—hold the mortgaged lands to them and their successors in the trust—sell and dispose of the estates forfeited—sue and be sued, &c. Sect. 9. The Trustees not to take land security lying in any other county than where any of the Trustees reside, before a certificate from the Commissioners of such County be produced, of the value thereof—The Commissioners to take

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an oath or affirmation (prescribed) which shall be deposited by the Justice, before whom taken, with the Clerk of Sessions, to be by him filed and preserved—The certificate to be delivered to the party applying, to be by him produced to the Trustees, to be duly filed and preserved by them, for the inspection of the Assembly and their committees. Sect. 10. The Trustees, before they could be acquitted or discharged the trust, &c. to deliver up to their successors, all bills of credit, monies, securities, books of account, and other writings, relating or belonging to said Loan Office. Sect. 11. The Trustees not to lend more than £.200, nor less than £.25, to any one person, upon mortgages of lands held in fee simple, free from incumbrances, at least of treble the value of the sums lent, &c. Sect. 12. The proportion of the said £.150,000, to be loaned in each county, fixed. Sect. 13. If the respective proportions be not applied for within nine months, then the surplus to be loaned to other applicants, on mortgage as aforesaid. Sect. 14. Mortgagor allowed to discharge his mortgage at other time than that specified in the mortgage deed, by paying the whole on the first of March in any year. Sect. 15. The principal not to be sunk, but in the manner directed by the act, but the sums received before the 1st of March, 1784, to be reloaned. Sect. 16. The mortgages to be entered in books by the Trustees, and attested copies certified by them to be evidence to prove the mortgages to be made; and a prescribed oath or affirmation, to be taken by the mortgagors, to be endorsed on the mortgage, &c. Sect. 17. A bond and warrant of attorney to accompany the mortgage, in case the titles should prove defective.

XVIII. *Provided always nevertheless,* That until some default be made in payment of some part of the mortgage monies by the mortgagors respectively, it shall and may be lawful to and for them, and their heirs, to hold and enjoy the mortgaged premises, any thing in this act, or in their mortgaged deeds, to the contrary notwithstanding; but if default shall be made or suffered in payment of any part of the mortgage monies aforesaid, whether of the principal or interest, which the mortgagors, their heirs, executors, administrators or assigns, should or ought to pay, according to the days of payment aforesaid in their respective deeds of mortgage specified, the said trustees, after six months next following such default made as aforesaid, shall issue their precept to the Sheriff of the county where the mortgaged premises shall lie, commanding him to enter upon the messuages, lands, rents and hereditaments respectively, in the deeds of mortgage specified, and the same or such part thereof as shall be sufficient to discharge and satisfy the mortgage monies, with the interest thereof, and costs accruing on the sale, to sell, on the premises by public auction or vendue, and convey to the highest bidder, after at least thirty days public notice given of such sale, by advertising them in the newspapers, and by affixing advertisements in some of the most public places in the county; and out of the monies arising by such sale to raise the principal sums due, and to become due, with the interest, costs and charges accrued, returning the overplus, if any, to the owners of such lands and hereditaments; and also to pay and deliver the said principal sums and interest to the said trustees, for the use of the province; which said precept

Six months
after default
in payment,
Trustees to
issue their
precept to
the Sheriff of
the county,
&c.

the said Sheriff is hereby enjoined and required fully and impartially to execute; for which he shall have the same fees for advertising and sale, as are allowed by law for like services where lands are sold by a writ of *venditioni exponas*, and no more.

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XIX. *And be it further enacted,* That the mortgagor and mortgagors of all such lands, as shall be sold by virtue of this act, shall stand and be foreclosed of and from all right of redemption of the same.

Mortgagors foreclosed, &c.

XX. *And be it further enacted,* That the said trustees shall endorse upon each mortgage deed their receipts of all the yearly quotas paid by the respective mortgagors, distinguishing the principal sum from the interest, which they shall also note on the counter-parts to them produced, when required; and upon the last payment thereof, the said trustees shall enter in the margin of the enrolment of the mortgage deed the time of the discharge thereof, for which they shall receive of the mortgagor six pence, and no more.

Trustees to endorse their receipts on the mortgage deeds, &c.

XXI. And the said trustees shall keep distinct, fair and true accounts of all the sums they receive by virtue of this act, and of what they lend, emit or pay, by virtue hereof, or by orders of the Governor and Assembly, in regular day books, journals and ledgers, to be fairly kept for those purposes; and shall exhibit the same, together with their other vouchers, to the committees of assembly, appointed for settling the public accounts, who shall adjust and settle the said accounts, and report the same to the house.

And shall keep fair and true accounts, &c.

XXIII. *And be it further enacted,* That if it shall appear, on the settlement of the accounts of the said trustees by the said committees, and a confirmation thereof by the house of assembly, that any deficiency hath happened, by any borrower or mortgagor's not having right to the lands or tenements mortgaged, or in the value thereof, or by any other ways or means whatsoever, to pay the monies, and the interest accrued thereon, with the costs of such suits as shall be prosecuted for the same, then, and in every such case, the said trustees, having an order from the assembly for the purpose, shall draw an order on the treasurer of the county in which such deficiencies shall happen, for the payment of such deficiencies, if so much money shall then be in the treasury, and if not, the said trustees shall, and they are hereby authorized and empowered to issue their precept to the Commissioners and Assessors of the said county, enjoining them to cause the said deficiencies so happening, with such costs and charges as shall accrue and be paid by the said trustees in endeavouring to recover the same, forthwith to be assessed, raised and levied, of and upon the county, in the same manner, by the same persons, and under the same pains, penalties and forfeitures, as other county rates are by law directed to be assessed, raised and levied; which the said Commissioners and Assessors are hereby enjoined and required to do. And the said deficiencies, when so levied, shall be paid to the said trustees, in order to replace the bills of credit so deficient.

Deficiencies happening in any county, how to be made good.

XXIV. *And be it further enacted,* That if the said Commissioners and Assessors shall, upon receipt of such precept, refuse or neglect, with all convenient speed, to cause to be assessed, raised and levied, all such deficiencies as are mentioned in the said pre-

Penalty on Commissioners and Assessors, for refusal or neglect.

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Trustees to account once a year with the committees of Assembly, &c.
XXV. *And be it further enacted,* That the said trustees shall, once in every year, or oftener, exhibit their accounts aforesaid, and produce their said books and other vouchers, together with all monies remaining in their hands, unto the committees of assembly of this province, appointed for that purpose, who shall count the said money, and settle and adjust the said accounts, and make report thereof to the assembly: And all the interest money by the said trustees, from time to time received, being accounted for, and the salaries and charges allowed by this act deducted, the residue thereof shall be paid by the said trustees to the Provincial Treasurer, to be disposed of by the Governor and Assembly, and not otherwise. And the said treasurer shall have and receive, for his trouble in receiving and paying the same, ten shillings for every hundred pounds, and no more.

Trustees to keep the mortgagors up to their annual payments, &c.

XXVII. And the better to prevent inconveniences arising from indulging the mortgagors to be behind in their payments hereby directed to be made, *Be it further enacted,* That the trustees for the time being shall, and they are hereby required to keep the mortgagors aforesaid up to their annual payments, as by this act is directed and appointed; and the committees of assembly, to be annually appointed to audit the said trustees accounts, are hereby directed not to allow of any quotas in arrear and unpaid, which have been due twelve months at the time of the settlement, but to consider and report the same as monies in the hands of the said trustees, for which the said trustees shall be accountable, excepting only such sums for which the trustees have commenced suits, or otherwise have proceeded, according to the directions of this act, for the recovery of the money due.

This act to be deemed a public act.

XXXIII. *And it is hereby declared and enacted,* That this act shall be taken and allowed, in all courts and places within this province, as a public act, and all Judges, Justices, and other persons concerned, are hereby required to take notice thereof as such, without pleading the same specially.

SECT. 22, Salary of the trustees. **26,** Bills paid in to be destroyed. **28,** New Trustees to be appointed in the room of those dying, refusing, &c. **29.** Trustees to continue in office only four years. **30,** Trustees to choose a clerk. **31,** Duty and qualifications of the clerk. **32,** Counterfeiters of the bills of credit to suffer death.

Passed 26th February, 1773.—Recorded A. vol. V. page 530. (k)

(k) By chap. 698, additional signers of the bills emitted were appointed. By chap. 726, when all the officers appointed under the provincial government were removed, an exception was made in the case of the trustees of the loan-office. But by chap. 760, new trustees were appointed, the old board having refused or neglected to act; the times and places of repaying the loans were prescribed, and the monies repaid were not to be reloaned. By chap. 727, the bills of credit emitted under the act in the text were declared a legal tender. By chap. 780, all the bills of credit issued under the provincial authority were called in, and the treasurer was authorized to exchange all the monies aforesaid that might be received by the trustees of the loan-office. By chap. 877, post

a discharge of a mortgage made by one trustee of the loan-office was declared to be valid. The powers of all the trustees were vested in one of them, with a salary of one hundred and fifty pounds, (chap. 1000;) but were afterwards transferred to the State-Treasurer, chap. 1495, sect. 9. The principal and interest due on the loan-office mortgages were appropriated, (chap. 1301,) to redeem the bills emitted, (chap. 901;) but those bills were more effectually provided for, (chap. 1635.) On making a grant of twenty-six thousand six hundred and sixty-six dollars and sixty-seven cents to the Pennsylvania Hospital out of the principal and interest due to the loan-office of 1773, the treasurer was directed to transfer the securities, &c. to the Managers of that institution, who, for the purpose of collecting the

grant, were vested with the same power as the trustees, accountable, however, for the surplus that might be collected, (chap. 1682.) (*Note to former edition.*) [But the managers of the Pennsylvania Hospital, having recovered and received the amount of the grant to them, the bonds and mortgages were directed to be assigned to the State-Treasurer, by an act passed April 4th, 1805, (post. chap. 2600,) and all the duties now remaining to be performed under the act in the text are enjoined upon the State-Treasurer.] See the notes to chap. 390, ante. pa. 310.

For the laws respecting the loan-office erected in 1785, see chap. 1143, 1163, 1317, 1495, sect. 9.

For the laws respecting the loan-office erected in 1793, see chap. 1686, 1739.

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CHAPTER DCLXXIII.

An ACT for erecting a new gaol, work-house and house of correction, in the city of Philadelphia. (1)

WHEREAS it has been represented to the assembly, that the gaol and work-house in the city of Philadelphia are insufficient for the safe custody of the criminals and others committed to the same, and that, from the smallness of the lot of ground, the inconveniency of the buildings and inner apartments, and the increased number of persons confined therein, the health, not only of the said prisoners, but of the inhabitants of the said city, is greatly endangered: For remedy whereof, *Be it enacted*, That it shall and may be lawful to and for the Commissioners for the county of Philadelphia to borrow, from any person or persons, bodies politic or corporate, who shall be willing to lend, any sum or sums of money, which they shall think sufficient and necessary for the purposes herein after mentioned; and every lender shall receive a certificate, in writing, under the hands and seals of the said commissioners, for the payment of the sum lent, with the the interest thereof, not exceeding six *per cent. per annum*; which certificate shall be entered in a book to be kept for that purpose, and the interest money arising thereon

Commissioners for Philadelphia county empowered to borrow money, &c.

(1) By chap. 705, bills of credit to the amount of twenty-five hundred pounds were emitted, for the purpose of paying off all loans raised under this act, and of completing the new gaol and work-house.

See chap. 791, 849, indemnifying the Sheriff for confining prisoners in the old gaol, after the new gaol was finished.

See chap. 867, vesting the new gaol, &c. in the commonwealth, discharged of all trusts.

See ante. chap. 236, for a reference to the penal laws, and the existing re-

gulations respecting the gaol, and debtors' apartment. See, likewise, chap. 1505, post.

For further provision respecting the sale of the old gaol, see chap. 1154. (*Note to former edition.*)

[April 2nd, 1803, (post. chap. 2377,) a new prison or house of employment to be erected in the city of Philadelphia, and a right reserved to the counties to send convicts to the present prison. Mode of appointing the inspectors changed, and their powers increased, February 23d, 1809, post.]