

are, in some cases, made cognizable before any Justice of the Peace, and the right of trial by jury is thereby infringed: 1785.

SECT. VI. *Be it therefore enacted by the authority aforesaid,* That all the specific penalties, in money, provided and declared by the same act, shall henceforth, in every case, be double the sums therein set forth, and every person who shall be charged with offending against the act aforesaid, or this act, shall be prosecuted in the court of Quarter Sessions of the peace of the proper county, and not in the summary way aforesaid.

Penalties of former acts to be doubled.
How to be recovered

SECT. VII. *Provided always, and be it further enacted by the authority aforesaid,* That the commissioners to be appointed by virtue of this act shall, every year hereafter, before the fifteenth day of March within such year, render to the Comptroller-General of this state a particular account, supported by the proper vouchers, of all the sums of money which shall come to their hands, respectively, and of all sums of money which shall be expended by them, in pursuance of this act, for and during the year preceding, in order that the same may be adjusted, settled, and allowed.

The commissioners to render their accounts yearly, to the Comptroller,

Passed 31st of March, 1785.—Recorded in Law Book No. II. page 493.

CHAPTER MCXLVIII.

An ACT for erecting and opening a Loan-Office, for the sum of fifty thousand pounds. (u)

[FIFTY thousand pounds in bills of credit, emitted by the act of sixteenth March, one thousand seven hundred and eighty-five, (ante. chap. 1126, page 287,) were to be placed in the hands of the Commissioners of the Loan-Office.

SECT. 5. The Trustees of the Loan-Office were appointed, who were to give bond, and take an oath of office, the form of which was prescribed.

SECT. 6. The oath was to be endorsed on the bond, and recorded, and when forfeited, to be sued for the use of the state.

(u) By an act of the 10th of Sept'r, 1785, Rowland Evans was appointed a trustee of the Loan-Office, in the room of Joseph Dean; two of the trustees were authorized to act in all matters relating to the office; and an additional number of signers of the bills of credit, emitted by the act of the 16th day of March, 1785, (ante. chap. 1126,) was appointed. By an act of the 27th of Nov'r, 1787, the mortgagors were allowed to pay the whole or a part of the money borrowed from the Loan-Office, at any time before the time specified in the mortgage; and all the bills of credit of the year 1785, paid into the Loan-Office, were prohibited from being re-issued. By an act of the 26th of March, 1789, the unappropriated interest, payable into the Loan-Office, was carried to a general fund, for the support of government,

&c. which appropriation was confirmed by an act of the 7th of April, 1791. By an act of the 1st of April, 1790, the powers before vested in the trustees of the Loan-Office were transferred to the treasurer of the state, which provision was continued, when a new arrangement of the department of accounts took place, by the act of the 4th of April, 1792. By an act of the 2d of April, in the same year, the sum of £.1000, arising from the interest payable into the Loan-Office, was appropriated for the repairs of Mud-Island.—See chap. 1000. (*Note to former edition.*) [See note to chap. 672, vol. 1, page 403, all the duties now remaining to be performed under this act, are enjoined on the state treasurer by act of April 4th, 1805, (post. chap. 2600.)]

1785.

SECT. 7. The Trustees incorporated by the name of "The Trustees of the general Loan-Office of the commonwealth of Pennsylvania," with power to loan money on mortgage, and recover the same.

SECT. 8. No loan to be made without a certificate from the Commissioners of the proper county, of the value of the estate; and the Commissioners were to take a certain prescribed oath or affirmation before granting such certificate, which certificate was to be filed and preserved by the Trustees, &c.

SECT. 9. None of the Trustees to be discharged till they had fully accounted, and delivered up their official documents to the succeeding Trustees.

SECT. 10. Prescribed in what sums, for what term, and on what security the money should be loaned. To take mortgages; which were to be executed to them in their corporate style only.

SECT. 11. Apportioned the loan among the city and several counties.

SECT. 12. Provided, that if the inhabitants of any county did not, within six months, call for their portion, it might be loaned to such persons as should apply for the same, &c.

SECT. 13. Provided that the mortgage money might be paid off before the time specified in the deeds.

SECT. 14. Monies paid in on mortgages were not to be paid into the treasury, but might be re-loaned; and the time for the attendance of the Trustees was prescribed.

SECT. 15. Mortgages to be entered in proper books, and copies to be evidence; mortgagor to take a prescribed oath, which was to be endorsed on the mortgage.—The operation of the deeds; and of the words "grant, bargain and sell," as a covenant.

SECT. 16. A bond and warrant of attorney to accompany each mortgage; with a release of errors. To be put in force in case the title should prove defective.]

SECT. XVII. *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 the mortgage 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 mortgagees, 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 news papers, and by

Mortgagors
m. y. d the
premises till
default.

Proceedings
in case of
default.

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 interests, 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 state; which said precept 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.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* 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.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the said trustees shall endorse upon each mortgage deed their receipts of all their 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 one shilling, and no more: 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 the orders of the 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 settle and adjust the said accounts, and report the same to the House.

SECT. XXI. *And be it further enacted by the authority aforesaid,* 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 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 cost 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 that 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 be then 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

1785.

No equity of redemption allowed, after the sale of mortgaged premises.

Receipts of quotas to be endorsed on the mortgages;

and entry made of the last payment in the margin of the enrolment.

Trustees accounts how to be kept and settled.

In case there is a deficiency to pay the monies loaned, interest and costs, the amount to be drawn from the treasury of the proper county; or to be raised in the same manner as county rates and levies;

1785.

and paid to the trustees, partly on commissioners or assessors refusing or neglecting to raise the deficient sums.

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 monies so deficient.

SECT. XXII. *And be it further enacted by the authority aforesaid,* 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 precept, in the manner herein before directed, every such commissioner and assessor, so refusing or neglecting, being thereof legally convicted, shall forfeit the sum of one hundred pounds for every such refusal or neglect.

SECT. XXIV. 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 by the authority aforesaid,* 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 direction of this act, for the recovery of the money due.

SECT. XXV. Vacancies in the office of trustees, how to be supplied.

SECT. XXVI. Trustees to continue no longer than three years in service.

SECT. XXVII. A clerk to be appointed; his duty and fees; and oath to be taken by him prescribed.]

Passed 4th April, 1785.—Recorded in Law Book No. II. page 503.

CHAPTER MCLII.

A further SUPPLEMENT to the act, entitled "An act for acknowledging and recording of deeds."

SECT. I. WHEREAS by a supplement to the act, entitled "An Act for acknowledging and recording of deeds," passed the eighteenth day of March, in the year of our Lord one thousand seven hundred and seventy-five;* it was enacted, That all deeds and conveyances, which, from and after the publication thereof, should be made and executed within the then province, now state, of and concerning any lands, tenements and hereditaments, in this state, or whereby the same might be any way affected in law or equity, should be acknowledged by one of the grantors or bargainors, or proved by one or more of the subscribing witnesses to such deeds, before one of the Judges of the Supreme Court, or before one of the Justices of the court of Common Pleas of the county where the lands conveyed lie: And whereas it frequently happens that the said Judges

[See vol. 1, chap. 208, pa. 94, and the notes thereto subjoined.]
[* Vol. 1, chap. 734, pa. 422.]

Mortgagors to be kept punctual, or the trustees charged with the arrearages.