

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.

1773.

### 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.]

1773. shall be paid, by their orders drawn on the treasurer for said county, out of the monies yearly assessed for paying the county debts.

Lenders may transfer their certificates, &c.

Manner how the money is to be appropriated.

II. *And be it further enacted,* That the said lender or lenders, his, her or their executors or administrators, may assign and transfer his, her or their certificate, with all his, her or their right and interest therein, by an endorsement thereon, to any other person or persons, and so *toties quoties*; and afterwards it shall not be in the power of the person or persons so assigning, to make void, release, or discharge the said certificate.

III. *And be it further enacted,* That the said commissioners, with the approbation of the Mayor and Recorder of the city of Philadelphia, and any two Justices of the County Court of Quarter Sessions for the county of Philadelphia, shall appropriate and apply the monies so borrowed for and towards purchasing a lot of ground, in some convenient part of the said city, and erecting thereon a commodious, strong and sufficient gaol, work-house and house of correction, with a good yard to each of them, enclosed by walls of a proper height and strength, for confining and detaining in safe custody all felons, criminals and others, who shall be committed to the said gaol and work-house by proper authority.

Commissioners empowered to sell the old gaol, &c.

IV. *And, in order to secure to the said lenders the several and respective sums of money so lent, Be it enacted,* That as soon as the said gaol, work-house and house of correction, shall be built and finished, and all the felons, criminals and others, then confined in the present gaol, work-house and house of correction, in the city of Philadelphia, shall be removed from thence to the gaol and work-house, and house of correction, hereby directed to be built (which the Sheriff of the county of Philadelphia, and the keeper of the said work-house and house of correction for the time being, are hereby enjoined and required to do) it shall and may be lawful for the said commissioners, and they are hereby enjoined and required, to grant, bargain and sell the lot or piece of ground in the city of Philadelphia, whereon the present gaol, work-house, and house of correction now stand, containing in breadth sixty-six feet, and in length two hundred and forty feet, bounded northward, with high-street, eastward with the third street from Delaware, southward with back lots, and westward with a lot formerly belonging to Thomas Rowland, with the buildings thereon erected, to any person or persons who shall be willing to purchase, and to his, her and their heirs and assigns, for ever, for the greatest sum or sums of money that can be procured for the same; and upon receipt of the said money, to pay the sums so borrowed, with the interest then due, and to pay the residue to the treasurer for the county of Philadelphia, for the use of the said county; but if the sale of the said lot and buildings shall not produce money sufficient for the purpose aforesaid, such deficiency shall be paid and satisfied by a just and rateable tax or assessment, to be laid, assessed and levied, on all estates, real and personal, within the said city and county, by the same persons, under the same pains and penalties, to be recovered in the same manner, as other county rates and taxes are or shall be laid, assessed and levied, agreeable to the directions of the act of General Assembly, passed in the eleventh year of his late Majesty George the first, entitled *An act for raising of county rates and levies.*

and pay off the sums borrowed.

Deficiency to be supplied by a tax.

1773.

V. And whereas the said lot of ground, herein before described and directed to be sold, was formerly vested in Joshua Carpenter, now deceased, but then the surviving trustee, and his heirs, to and for the use, benefit and behoof of the city and county of Philadelphia, for a place to erect a prison, work-house and house of correction, or other public use or services, as more fully appears by a certain indenture or declaration of trust, made between the said Joshua Carpenter of the one part, and the Mayor and Commonalty of the city of Philadelphia, of the other part, bearing date the twenty-second day of November, in the year of our Lord one thousand seven hundred and twenty-one: And whereas it is but just and reasonable that the person and persons, who shall become purchasers of the said lot of ground, with the appurtenances, should hold and enjoy the same, freely and clearly acquitted and discharged, as well of and from the trust and uses aforesaid, as all claims of the heirs of the said Joshua Carpenter: *Be it therefore enacted*, That all and every person and persons, who shall purchase the said lot of ground, hereby directed to be sold, or any part or parcel thereof, and receive a deed for the same, under the hands and seals of the said commissioners of the county of Philadelphia, with the approbation of the said Mayor, Recorder and Justices, shall hold and enjoy the said lot or piece of ground, or the part or parcel thereof to them respectively conveyed, in fee, and that fully and absolutely acquitted, exonerated and discharged, of and from the uses, trusts and purposes, mentioned and contained in the said recited indenture, and of and from all claims, rights, titles and demands, of the heirs of the said Joshua Carpenter, to all intents and purposes.

Purchasers  
of the lot to  
hold the  
same in fee,  
&c.

VI. And whereas it is necessary that the lot of ground hereby directed to be purchased, for erecting the gaol, work-house and house of correction thereon, should be vested in some body, capable in law to hold the same, in trust for the said city and county: *Be it therefore enacted*, That the Commissioners for the county of Philadelphia shall, in name and in fact, be one body politic and corporate in law, and shall have perpetual succession, for the uses and purposes hereinafter particularly mentioned, and no other; and, by the name of commissioners for the county of Philadelphia, shall and may purchase the said lot of ground hereby directed to be purchased, with the approbation of the said Mayor, Recorder and Justices, and receive, take and hold the same, to the uses, intents and purposes, herein before mentioned, and may sue and be sued, plead and be impleaded, in respect to the said lot or piece of ground, or any matter or thing thereunto relating.

Commissioners  
incorporated,  
&c.

New work-  
house, &c.  
to be conduct-  
ed and support-  
ed as by  
act of 3d  
George I.

VII. *And be it enacted*, That the said new work-house and house of correction, when built and erected, shall be under the government and direction of such person and persons, managed by the same officers, and conducted and supported in the same manner, as by a former act of assembly, passed in the third year of the reign of his late Majesty George the first, entitled *An act for erecting of houses of correction and work-houses in the respective counties of this province*,\* is directed and provided, any thing in the said act to the contrary notwithstanding.

\* Chap. 229.  
ante. p. 101.  
and see the  
notes to chap.  
236, ante.