

cause a sufficient number of copies of this law, and of the rules of discipline approved and established by congress in their resolution of the twenty-ninth day of March, one thousand seven hundred and seventy-nine, to be printed in the English and German languages and distributed throughout the state, so that every general and field officer, every brigade inspector and every captain be furnished with one copy, and it shall be the duty of every captain at every company meeting to read, or cause to be read, to the company, the same, or such part thereof as he may think necessary.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

Repealed by act of April 9, 1799; Chapter 2068.

CHAPTER MDCXCVII.

AN ACT FOR ERECTING A LOAN-OFFICE FOR THE SUM OF FIVE HUNDRED THOUSAND DOLLARS.

Whereas the institution of a loan office, upon just and proper principles, will be greatly beneficial to agriculture and promote in general the welfare of the people of this commonwealth. And whereas the legislature in and by the act, entitled "An act to incorporate the subscribers to the Bank of Pennsylvania,"¹ did reserve, for the purpose of instituting such loan office, a power to borrow from the said bank an adequate sum of money. In order, therefore, to carry the same into effect:

[Section I.] (Section I, P. L.) Be 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 a sum not exceeding five hundred thousand dollars, shall be borrowed of the Bank of Pennsylvania, and appropriated for the sole and exclusive purpose of being lent to the citizens of this state, upon mortgages upon real estate, under restrictions, limitations and regulations, and in the respective proportions hereinafter directed.

¹ Passed March 30, 1793; Chapter 1667.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said sum of five hundred thousand dollars shall be loaned, as aforesaid, in two several sums, that is to say; the sum of two hundred and seven thousand dollars, part thereof, shall be loaned during the present year, and apportioned among the city and county of Philadelphia and the several other counties of this commonwealth, according to the following distribution, that is to say; thirty thousand dollars to the city and county of Philadelphia; twelve thousand dollars to the county of Bucks; twelve thousand dollars to the county of Chester; eighteen thousand dollars to the county of York; nine thousand dollars to the county of Cumberland; fifteen thousand dollars to the county of Berks; twelve thousand dollars to the county of Northampton; six thousand dollars to the county of Bedford; six thousand dollars to the county of Northumberland; six thousand dollars to the county of Westmoreland; twelve thousand dollars to the county of Washington; six thousand dollars to the county of Fayette; six thousand dollars to the county of Franklin; twelve thousand dollars to the county of Montgomery; nine thousand dollars to the county of Dauphin; three thousand dollars to the county of Luzerne; three thousand dollars to the county of Huntingdon; three thousand dollars to the county of Allegheny; three thousand dollars to the county of Mifflin; six thousand dollars to the county of Delaware; and the sum of two hundred and ninety-three thousand dollars, the remaining part of the said sum of five hundred thousand dollars, shall be loaned during the year one thousand seven hundred and ninety-four, and shall be hereafter apportioned by the legislature amongst the city and several counties of this commonwealth, in such manner that the whole sum allowed to the said city and counties, respectively, including the amount of the first, as well as the second loan, shall be in proportion to the number of taxable inhabitants contained in the said city and counties, respectively.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the said city and county of Philadelphia and of the several other counties of this commonwealth, respectively, shall, on or before the

third day of June next, apportion the sum to be loaned for the present year, in pursuance of the preceding section of this act, as the share of the said city and county of Philadelphia and of the several other counties of this commonwealth, respectively, amongst the several wards, districts or townships of the said city and county of Philadelphia, or of the proper county, according to the number of taxable inhabitants therein, respectively, contained, and shall also, on or before the same day, set up at least three advertisements in at least three of the most public places of the several wards, districts or townships, setting forth the sum and sums of money to be lent to the inhabitants of each ward, district or township, respectively, and notifying the said inhabitants, who may be desirous to borrow part thereof, to make application for the same in writing, stating the amount desired, to the treasurer of the city and county of Philadelphia, or of the proper county, as the case may be, on or before the fifteenth day of July next ensuing the date of such advertisement, which applications the county treasurer shall file in the order of receiving the same, but no application shall be allowed for any sum exceeding three hundred dollars or less than one hundred dollars.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the respective commissioners aforesaid, shall, on the said fifteenth day of July next, meet at the seat of justice in their respective counties, and then and there examine the applications filed by the treasurer of the proper county, as aforesaid, and the patents, deeds and other documents of title, exhibited by the applicants touching the real estate by them respectively offered to be mortgaged; and no application shall be allowed, unless the applicants, respectively, shall also, at their own proper cost, obtain and deliver, with the said documents of title, to the commissioners, certificates under the hands and seals of the prothonotary and recorder of deeds of the proper county, respectively, testifying that the real estate offered on mortgage by such applicant, respectively, is not charged or chargeable with any incumbrance whatsoever, by reason of any deed, conveyance, mortgage or other instrument in writing, or of any suit, judgment, execution or

other process, appearing of record in their respective offices, and if, after due investigation, it shall appear to the said commissioners, respectively, that any real estate offered to be mortgaged is not held in fee simple by the person offering the same, or that it is subject to any mortgage, judgment or other incumbrance whatsoever, or that the same is the subject of any suit in law or equity, or that the patent deeds and other documents of title thereto have not been issued, granted, acknowledged, recorded and otherwise authenticated according to law, or that by reason of any other irregularity or defect whatsoever, in the title, seizin, and possession of such real estate, the right and ownership of the person offering the same in mortgage is rendered doubtful, precarious or litigious, or that the person offering such real estate in mortgage is not an inhabitant of the township or district wherein the land lies, then, and in each and every such case, the said commissioners, respectively, shall, and they are hereby enjoined and required to reject and totally disallow the application of the parties, respectively; and the said commissioners shall, moreover, have power, and they are hereby required to exercise a reasonable and just discretion in reducing or refusing the loans applied for, but the sum and sums of money lent shall not in any case be more than one-third part of the amount of the value of the land offered in mortgage (exclusively of the value of the houses, mills and other buildings or other improvements, thereon erected and being liable to be destroyed, and of any ground rent thereon charged and chargeable), according to the last assessment and return thereof made by the proper officers of the proper county; and if, after the examination and reduction or refusal of applications hereinbefore authorized and prescribed, the aggregate amount of the loans applied for in any ward, township or district shall exceed the sum and sums of money thereto respectively apportioned, as aforesaid, then the respective commissioners shall either by totally rejecting such applications, as they may deem expedient, or by proportionally subtracting from the amount of each and every application, render the aggregate of the applications accepted and allowed equal to the quota of such wards, townships or districts, respectively.

Provided always, That a sum less than one hundred dollars shall not in any case be lent to any person or persons whomsoever.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said respective commissioners shall take and receive to them and their respective successors in office, for the use of the commonwealth, from the persons, respectively, whose applications shall be accepted and allowed, as aforesaid, deeds of mortgage in fee simple of such real estate as shall have been offered, and the title thereto examined in the manner hereinbefore directed to secure the repayment of the sum and sums of money to such persons, respectively, loaned, together with interest thereon at the rate of six per centum per annum in seven equal yearly instalments, the first whereof shall be on the first day of November, in the year one thousand seven hundred and ninety-five.

Provided, however, That the first payment of interest shall be made on the first day of November, one thousand seven hundred and ninety-four; and on every of the said deeds of mortgage shall be endorsed on oath or affirmation, to be taken and subscribed by the mortgagor or the mortgagors (and the proper commissioners, or any of them, are and is hereby authorized and required to administer the same), stating that "he, she or they is or are seized of the estate thereby granted and mortgaged in his, her or their own right, and to his, her or their own use, and that free from all arrearages of rent, and from any former gift, grant, sale, mortgage, judgment or any other incumbrance, to the knowledge of such mortgagor or mortgagors, except only such as are particularly mentioned and discovered to the said commissioners." And the said mortgagor or mortgagors shall, moreover, execute and deliver to the said commissioners, respectively, a bond in a penal sum amounting to double the money to him, her or them, respectively, loaned, conditioned for the payment of such loan, and the interest thereon accruing, according to the terms contained in the said deeds of mortgage, respectively, together with a warrant of attorney, authorizing the attorney general of

this commonwealth to enter and confess judgment thereon, with a release of errors, which judgment shall accordingly be entered and confessed by the said attorney general, or any of his deputies, in the common pleas of the proper county, and execution thereupon issued against each and every mortgagor who shall make default in the repayment of the loan to him, her or them granted, according to the terms whereon the same shall be lent, as aforesaid, and all and every the deeds so taken and received, together with the said bonds and warrants of attorney, shall be provided by the mortgagors, respectively, and immediately after the execution thereof recorded in the office of the recorder of deeds of the proper county, at their proper cost and expense, and the said deeds of mortgage shall transfer the possession and vest the inheritance of and in such mortgaged premises to and in the respective commissioners of the proper county, and their respective successors, for the use of the commonwealth, in like manner and with like effect; and the said commissioners, respectively, shall have and enforce the like process and execution for the recovery of the mortgage money and the several instalments thereof, by sale of the mortgaged premises, or otherways, as are enacted, declared and provided in the case of mortgaged deeds taken and received by the trustees appointed in and by an act, entitled "An act for erecting and opening a loan office for the sum of fifty thousand pounds,"² passed on the fourth day of April in the year one thousand seven hundred and eighty-five.

Provided always nevertheless, That until some default be made in payment of some part of the mortgage moneys by the mortgagors, respectively, it shall be lawful to and for them, their heirs, executors, administrators or assigns to hold and enjoy the mortgaged premises, anything in this act, or in the deed of mortgage, to the contrary notwithstanding.

And provided further, That it shall be lawful for any mortgagor or mortgagors, his, her or their heirs, executors, administrators or assigns, to pay off and discharge his her or their mortgage and security, by paying to the treasurer of the proper

² Chapter 1159.

county the whole principal sums due and to become due, together with the interest and charges thereon accrued, on the first day of November in any year before the expiration of the term limited in their respective deeds of mortgage.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That after the said deeds of mortgage and bonds, with warrants of attorney to enter and confess judgment thereon, shall respectively be completed, taken, received and recorded as aforesaid, the proper commissioners shall, at the election of the mortgagor or mortgagors, respectively, either draw a draft or drafts on the county treasurer, in favor of the several and respective parties, for the amount of the sum and sums of money to them, respectively, loaned as aforesaid, payable in notes of the Bank of Pennsylvania on the first day of November next, or shall deliver a certificate or certificates to the several and respective parties, directed to the governor therein, stating the name and names of the mortgagor and mortgagors, and the sum and sums of money to him, her or them, respectively, loaned as aforesaid, and the said commissioners, respectively, shall, moreover, on or before the first day of September next, transmit and deliver to the governor, a list containing the names of all the mortgagors within their respective counties, and the sum and sums of money to them, respectively, loaned, and nothing separately such as shall elect to receive drafts on the county treasurer, and such as shall elect to receive certificates directed to the governor, as aforesaid.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That as soon as the governor shall receive the said lists from the proper commissioners of the respective counties, he shall borrow from the president, directors and company of the Bank of Pennsylvania, in pursuance of the [right and] power stipulated and reserved for that purpose, a sum equal to the total amount of the moneys for which deeds of mortgage shall have been taken and received, and according to the said lists, at such interest, not exceeding the rate of six per centum per annum, as shall be agreed upon by and between

him and the said bank, to commence on the said first day of November next, and payable, together with the principal sum, in ten equal instalments, or in a greater sum or sums or shorter period and periods, at the pleasure of government; and so much of the money thus borrowed from the said bank, as shall be necessary to pay and discharge the aggregate amount of the sums due on the certificates of the commissioners of the respective counties, directed to the governor, as aforesaid, shall, on the said first day of November next, be received from the bank in specie, and the remainder thereof shall be received as soon as the said loan shall be negotiated in post notes of the said bank, made payable on the said first day of November next, to the county treasurers, respectively, or their order, according to the sum and sums due on the draft and drafts made by the said respective commissioners on the treasurer of their respective counties.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That as soon as the governor shall have obtained the said post notes of the Bank of Pennsylvania, he shall transmit them in due proportions to the prothonotaries of the counties, respectively, who shall, immediately after the receipt thereof, deliver the same to the treasurer of the proper county, taking and transmitting to the office of the secretary of the commonwealth an acknowledgment, in writing, therefor; and the treasurers, respectively, shall, upon demand, endorse and pay the said post notes to the person and persons, respectively, to whom drafts were granted, as aforesaid, by the commissioners of the proper county, which drafts the said county treasurers, respectively, shall receive and file in their respective offices; and from and after the said first day of November next, the governor shall, upon due application, issue his warrants on the state treasurer in favor of the persons, respectively, to whom the said county commissioners shall have granted [certificates] directed to him, as aforesaid, for the sums therein certified to be to them respectively due and payable, and the warrants so issued shall be discharged out of the specie part of the loan borrowed, as aforesaid, from the Bank of Pennsylvania.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the respective commissioners of the several counties shall, on the same day and days in the year one thousand seven hundred and ninety-four, loan the sums of money hereinbefore appropriated at that time to be loaned, according to the apportionment thereof directed to be made, as aforesaid, and in so doing, they and all other persons concerned shall in all respects proceed in the like manner and have and exercise the like powers as are hereinbefore given and prescribed, touching the first loan to be made by the commissioners of the respective counties, in pursuance of the provisions hereinbefore contained, and if the sum and sums of money, or any part thereof, allowed to be loaned to any county or counties out of the first loan aforesaid, shall not be applied for before the lists of mortgagors shall be transmitted to the governor, as aforesaid, the same, or such part thereof as shall not have been applied for as aforesaid, may and shall be added to the amount of the sum and sums allowed to be loaned to such county or counties, respectively, out of the said second loan, and be therewith apportioned and lent accordingly, and the said commissioners of the several and respective counties shall yearly and every year subsequent to the present year, until it shall be otherwise directed by the legislature, loan such sum and sums of money as shall from time to time be paid to the treasurer of the proper county, on account of the principal of the mortgage money due and payable from any of the mortgagor or mortgagors aforesaid, and in so doing they shall proceed on the same day and days, in the same manner (except that they shall not grant any certificates directed to the governor as in other cases is hereinbefore provided) and shall have and exercise the like powers as are given and prescribed touching the first loan to be made by the commissioners of the counties, respectively, in pursuance of this act.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the sum and sums of money, together with the interest thereon, payable by the mortgagors, respectively, shall be paid as the same becomes due to the respective treasurers of the several counties, who shall certify

such payments to the respective commissioners of the several counties, to the intent that the same may be acknowledged by an indorsement in writing upon the respective deeds of mortgage, which shall accordingly be done, and the said county treasurers, respectively, shall hold the moneys so to them paid on account of the principal sum due from the several mortgagors, subject to the drafts of the respective commissioners of the several counties, for the purpose of reloading the same, agreeably to the provisions contained in the preceding section of this act, and the money so to the county treasurers respectively paid, on account of the interest due from the respective mortgagors, shall, from time to time be by them paid to the state treasurer, unless otherwise hereafter directed by the legislature, as soon as conveniently may be, after the same shall be received by the said county treasurers, respectively.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the respective commissioners, and treasurers of the several counties, shall keep in proper books, a fair, full and accurate statement of their respective transactions, and shall, once in every year (or oftener if required) exhibit the said books, and their respective official vouchers and papers, to the person or persons that now are or hereafter may be empowered by law to settle the accounts of the said commissioners and treasurers, respectively, for inspection and examination.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

See Repealing Act passed April 18, 1794; Chapter 1750.

CHAPTER MDCXCVIII.

AN ACT TO ESTABLISH A BOARD OF WARDENS FOR THE PORT OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of