

the authority aforesaid, 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.

Passed February 26, 1773. Referred for consideration by the King in Council, February 2, 1774, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI, and the note to the Act of Assembly passed March 5, 1725-26, Chapter 289.

CHAPTER DCLXXIII.

AN ACT FOR ERECTING A NEW GAOL, WORKHOUSE AND HOUSE OF CORRECTION IN THE CITY OF PHILADELPHIA.

Whereas it has been represented to the assembly that the gaol and workhouse 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:

[Section I.] Be it enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, 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 hereinafter 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 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 shall be paid by their orders drawn on the treasurer for said county out of the moneys yearly assessed for paying the county debts.

[Section II.] And be it further enacted by the authority aforesaid, 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 indorsement 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.

[Section III.] And be it further enacted by the authority aforesaid, 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 moneys so borrowed for and towards purchasing a lot of ground in some convenient part of the city and erecting thereon a commodious, strong and sufficient gaol, workhouse and house of correction with a good yard to each of them, inclosed 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 workhouse by proper authority.

And in order to secure to the said lenders the several and respective sums of money so lent:

[Section IV.] Be it enacted by the authority aforesaid, That as soon as the said gaol, workhouse and house of correction shall be built and finished and all the felons, criminals and others then confined in the present gaol, workhouse and house of correction in the city of Philadelphia shall be removed from thence to the gaol and workhouse and house of correction hereby directed to be built (which the sheriff of the county of Philadelphia and the keeper of the said workhouse 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, workhouse 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 forever 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 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 ratable 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."¹

And whereasthe said lot of ground hereinbefore 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, workhouse 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

¹ Passed March 20, 1724-25, Chapter 284.

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:

[Section V.] Be it therefore enacted by the authority aforesaid, 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.

And whereas it is necessary that the lot of ground hereby directed to be purchased for erecting the gaol, workhouse 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:

[Section VI.] Be it therefore enacted by the authority aforesaid, 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 hereinbefore 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.

[Section VII.] And be it enacted by the authority aforesaid, That the said new workhouse 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 fourth year of the reign of His late Majesty, George the First, entitled "An act for erecting of houses of correction and workhouses in the respective counties of this province,"¹ is directed and provided, anything in the said act to the contrary notwithstanding.

Passed February 26, 1773. Referred for consideration by the King in Council, February 2, 1774, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI, and the notes to the Acts of Assembly passed November 27, 1700, Chapter 83; February 22, 1717-18, Chapter 229; and the (two Acts of Assembly passed) December 7, 1682, Chapters 54, 101; (the two Acts of Assembly passed) June 1, 1693, Chapters 33, 53; March 18, 1775, Chapter 707; August 27, 1778, Chapter 802; October 8, 1779, Chapter 880; February 28, 1780, Chapter 878; April 8, 1785, Chapter 1165; September 13, 1785, Chapter 1177; March 11, 1789, Chapter 1394; April 5, 1790, Chapter 1516; April 4, 1796, Chapter 1901; March 31, 1797, Chapter 1944; April 8, 1799, Chapter 2059; April 2, 1803, P. L. 621; April 4, 1807, P. L. 133; April 7, 1807, P. L. 160; February 23, 1809, P. L. 25; March 31, 1812, P. L. 204; March 13, 1816, P. L. 126; February 24, 1823, P. L. 52; March 25, 1823, P. L. 100; March 23, 1826, P. L. 133; March 2, 1827, P. L. 76; March 27, 1830, P. L. 134; March 30, 1831, P. L. 228; March 30, 1832, P. L. 224; June 9, 1832, P. L. 602; February 27, 1833, P. L. 55; April 8, 1833, P. L. 222; February 6, 1834, P. L. 33; March 27, 1834, P. L. 144; April 15, 1834, P. L. 537; April 10, 1835, P. L. 133; April 14, 1835, P. L. 232; March 22, 1836, P. L. 173; April 16, 1838, P. L. 626; April 16, 1840, P. L. 410; April 22, 1846, P. L. 476; March 15, 1847, P. L. 373; April 8, 1851, P. L. 353; April 10, 1851, P. L. 414; January 29, 1852, P. L. 21; May 3, 1852, P. L. 523; April 2, 1853, P. L. 270; January 26, 1854, P. L. 12; February 2, 1854, P. L. 21; April 23, 1854, P. L. 506; May 5, 1854, P. L. 559; April 13, 1855, P. L. 245; January 4, 1856, P. L. 711; May 13, 1856, P. L. 567; March 28, 1860, P. L. 313; February 14, 1867, P. L. 196; April 14, 1868, P. L. 1092; June 2, 1871, P. L. 1301; June 28, 1871, P. L. 1370; April 3, 1872, P. L. 828; April 5, 1872, P. L. 42; May 15, 1874, P. L. 186; June 22, 1883, P. L. 146; June 22, 1885, P. L. 122; May 19, 1887, P. L. 132; June 2, 1887, P. L. 298; May 9, 1889, P. L. 154; May 13, 1889, P. L. 209; May 29, 1889, P. L. 348; June 17, 1891, P. L. 368; June 2, 1893, P. L. 264; June 26, 1895, P. L. 377; July 3, 1895, P. L. 475; May 12, 1897, P. L. 65; July 22, 1897, P. L. 386; May 12, 1899, P. L. 360.

¹ Passed February 22, 1717-18, Chapter 229.