

A C T S

OF THE

General Assembly of Pennsylvania.

Passed in the Thirteenth General Assembly of the commonwealth, in which were held three Sessions,—the first commencing 27th day of October, and ending the 22d day of November, 1788,—the second commencing the 3d day of February, and ending the 28th day of March, 1789,—and the third, commencing the 18th day of August, and ending the 30th day of September, 1789.

1788.

RICHARD PETERS, SPEAKER.

CHAPTER MCCCLXXV.

An ACT to incorporate the Presbyterian congregation of Tredyfrin township, in the county of Chester.

Passed 22d November, 1788.—Private Act.—Recorded in Law Book No. III, page 446.

CHAPTER MCCCLXXIX.

An ACT for granting to the corporation of the Ministers, Vestrymen and Churchwardens of the German Lutheran congregation in and near the city of Philadelphia, in the state of Pennsylvania, certain lands therein mentioned, for endowing a free-school, for the use of the poor of the said congregation.

Passed 14th February, 1789.—Private Act.—Recorded in Law Book No. III, page 447.

CHAPTER MCCCLXXXIII.

An ACT to incorporate the city of Philadelphia. (o)

SECT. I. WHEREAS, the intention of civil government is to provide for the order, safety and happiness of the people; and

(o) For several supplements to the respectively, on the 9th of December, incorporating law, see acts passed, re- 1789, the 2d of April, 1790, and the 8th

where the general systems and regulations thereof are found to be ineffectual, it is the duty of the Legislature to remedy the defects: And whereas the administration of government within the city of Philadelphia is, in its present form, inadequate to the suppression of vice and immorality to the advancement of the public health and order, and to the promotion of trade, industry and happiness; and, in order to provide against the evils occasioned thereby, it is necessary to invest the inhabitants thereof with more speedy, vigorous, and effective powers of government, than are at present established: 1789.

SECT. II. *Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That the inhabitants of the city of Philadelphia, as the same extends and is laid out between the rivers Delaware and Schuylkill, be, and they, and their successors for ever, are hereby constituted a corporation and body politic, in fact and in law, by the name and style of "The Mayor, Aldermen and Citizens of Philadelphia," and by the same name shall have perpetual succession; and they and their successors shall, at all times for ever, be able and capable in law to have, purchase, take, receive, possess and enjoy lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects to them and their successors for ever, or for any other or less estate; and the same lands, tenements and hereditaments, goods, chattels and effects, to grant, bargain, sell, alien and convey, mortgage, pledge, charge and encumber, or demise and dispose of, at their will and pleasure.

The city of Philadelphia incorporated;

the name;

powers and privileges.

of March, 1792; and for acts respecting the late Wardens of the city (whose interests, powers and jurisdiction, are transferred to the Corporation) see ante. chap. 1090. See the act for registering German passengers, ante. page 328. By an act of the 13th of March, 1789, foreigners may take the test of allegiance before the Mayor, Recorder, or any Alderman; by an act of the 30th of September, 1791, the Mayor and Recorder are empowered to receive the proof or acknowledgment of deeds; and by a resolution of the 19th of September, 1791, the old powder magazine is directed to be delivered to the Common Council. See the title *Philadelphia City*, "Markets" in the general index. (*Note to former edition.*) [By an act passed 18th of February, 1805, any judge of the supreme court, or president of the common pleas, empowered to administer the oath to the Mayor. § 2. In the absence, or sickness of the Mayor, the Recorder may administer the oaths to the Select and Common Councils. § 3. No Alderman, or person holding an office of trust or profit under the laws of the Commonwealth, or ordinances of the Councils, shall be competent to serve as a member of either of the Councils where the emo-

luments of the office are paid out of the city treasury.

Aldermen empowered to take acknowledgments of deeds in the city and county by act of 20th of January, 1806, (chap. 2619.)

The powers vested in the Wardens of the city by the act 10th of April, 1781, (vol. 1, pa. 533,) transferred to the Mayor, or Recorder, or any two Aldermen, &c. by an act passed 7th of April, 1807, (chap. 2815.)

An act passed 4th of April, 1796, (chap. 1894,) the time and manner of electing the Select and Common Councils are prescribed. The legislative power of the city exclusively vested in the Select and Common Councils.

The Governor to appoint one Recorder and fifteen Aldermen for the city, to hold their offices during good behaviour, &c.

The time and manner of electing the Mayor, and his duties, prescribed, and emoluments fixed.

Citizens to be admitted to hear the debates in the Councils.

And see the act of 20th of March, 1810, (the consolidating, justices' act, § 30.) by which the Alderman's court is abolished.

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SECT. III. *And be it further enacted by the authority aforesaid,* That the said Corporation, by the name and style aforesaid, are, and for ever shall be, able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, and elsewhere, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever; and to do and execute all and singular other matters and things, that to them, as a body politic and corporate, in law and in fact, shall and may appertain; and for that purpose shall have and use one common seal, and the same, from time to time, shall and may, at their will and pleasure, change and alter, deface and make anew.

SECT. IV [Of the election of the Aldermen:—repealed and supplied by act of 4th April, 1796, chap. 1894.]

SECT. V. [Of the election of the Common Council-men:—repealed and supplied by act of 4th of April, 1796, chap. 1894.]

SECT. VI. *And be it further enacted by the authority aforesaid,* That the first, and all future and other election and elections, [whether of Aldermen or] of Common Council-men, to be had and held in pursuance of this act, shall be held and conducted by the same officers, who shall have been duly chosen or appointed and authorized to hold, manage and conduct the election of Representatives for the said city, to serve in the said General Assembly, [at the general election next preceding every election to be held in pursuance of this act; and that the said officers, and the clerks who shall be employed at the said elections, and each and every of them, shall severally take a solemn oath or affirmation, before entering upon the duties in and by this act enjoined them, well and faithfully to discharge the same, according to the best of their skill and abilities.]

SECT. VII. *And be it further enacted by the authority aforesaid,* That all elections to be had and held in pursuance of this act shall be held and conducted (except as to the qualifications of the voters for, or electors of, Aldermen, and the number of persons to be voted for, elected and chosen, to serve as Aldermen and Common Council-men, and except that the votes or tickets to be given in may be either written or printed, and except also as in and by this act is otherwise directed) in the same and like manner, as in and by the laws of this commonwealth is or shall be directed for the holding of the general elections for Representatives to serve in the said General Assembly, and under and subject to the same rules, regulations, pains and penalties; and all and every person and persons, who shall be concerned in holding or conducting of the said elections, or any of them, or who shall come to vote thereat, or be any wise concerned therein, are hereby enjoined and required to conduct and demean him and themselves accordingly.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That when each election to be had and held in pursuance of this act shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the Judges of the said election, or a majority of them, shall prepare and make, under their respective hands and seals, a return thereof, containing the names [of each Alderman elect, or] of each Common Council-

Capacity to sue, and be sued.

To use a common seal.

The elections to be conducted by the officers of the general elections;

[At the general election by act of 4th of April, 1796.]

and in the same mode, under the same rules and penalties.

Returns of the elections, how to be made.

[Altered by the act of 4th of April, 1799.]

man elect, as the case may be, with the number of votes in favour of each of them; and shall, within twenty-four hours after the closing of each of the said elections, give notice, in writing, to each of the [said Aldermen elect, or] Common Council-men elect, of their respective elections to the office of [Alderman or] Common Councilman, as the case may be, and shall also deliver, or cause to be delivered, the said return to the said [Aldermen elect, or] Common Council-men elect, as the case may be, at the times and places in and by this act appointed for them respectively to meet and receive the same.

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SECT. IX. [The Aldermen elect to receive and judge of their returns. Repealed and supplied by the act of fourth of April, one thousand seven hundred and ninety-six, chap. 1894.]

SECT. X. *And be it further enacted by the authority aforesaid,* That each and every Alderman, [who shall be elected, chosen and returned, in manner aforesaid, and whose election shall be so as aforesaid approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation, [before his excellency the President, or the Vice-President in Council,] "well and faithfully to execute the office of Alderman of the said city;" [and shall thereupon, without any further or other commission, be an Alderman of the said city, until the next general election of Aldermen, to be held in pursuance of the directions of this act, and shall, during the time aforesaid, be vested with all the powers and jurisdictions of a Justice of the Peace in and for the said city, and with such other powers and jurisdictions, as in and by this act are given to any Alderman.]

Qualification of the Aldermen. [Altered as above.]

SECT. XI. *And be it further enacted by the authority aforesaid,* That the said Common Council-men elect, or thirty-persons having the highest number of votes for the office of Common Council-men, shall meet together at the State-house, in the said city, between the hours of ten and twelve of the clock in the forenoon, on the Friday next following each and every election of Common Council-men, to be held in pursuance of this act, and shall then and there receive the said returns of Common Council-men elect, and shall forthwith proceed to examine the same, and to judge and determine thereon; and for that purpose, and to the end and intent that this act, or the provisions herein contained, may not be ineffectual, the said Common Council-men who shall be elected and returned as aforesaid, or a majority of them, shall be Judges of their own elections, and shall have full power and authority to approve thereof, or to set aside the same, and to order new elections, as the law may require, to be held in the manner herein before directed, and at such times as shall be by them appointed, of which they shall give at least six days previous notice, in three or more of the public newspapers printed in the said city.

The Common Council-men elect to receive and judge of their returns.

SECT. XII. *And be it further enacted by the authority aforesaid,* That each and every Common Council-man, who shall be elected, chosen and returned, in manner aforesaid, and whose election shall be so as aforesaid approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation, before the

Qualification of the Common Council-men.

1789. Mayor* of the said city for the time being, "well and faithfully to execute the office of a Common Council-man of the said city," and shall thereupon, without any further or other commission, enter upon the duties thereof, and shall hold and exercise the same until the next general election of Common Council-men, to be held in pursuance of this act.

[* Or recorder or. See first note.]

Of the choice of a Mayor; and his qualification. [Altered by the act of 18th of Feb. 1805. See first note.]

SECT. XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Aldermen of the said city, or a majority of them, to elect and choose, by ballot, every year, or oftener, if a vacancy shall happen, by death, resignation, removal from office, or from the city, one of their own number, who shall be Mayor of the said city for the ensuing year, if the time for which he shall have been elected and chosen as Alderman shall so long continue; and the said Mayor elect [shall be presented to his excellency the President or the Vice-President, in Council, and] shall [then and there] take a solemn oath or affirmation, "well and faithfully to execute the office of Mayor of the said city," and shall thereupon enter upon and perform the duties of the said office, without any further or other commission.

SECT. XIV. [Of the choice of a Recorder—To be appointed by the Governor by the act of fourth of April, one thousand seven hundred and ninety-six, chap. 1894.]

The Mayor, Recorder and Aldermen liable to impeachment.

Provided nevertheless, That each and every Mayor, Recorder or Alderman, who shall be elected, chosen or appointed, in pursuance of this act, and who shall misdemean himself in office, shall be liable to be impeached by the General Assembly, before the President or Vice-President and Council, and shall be removeable for misconduct in office by the said General Assembly.

SECT. XV. And in order that the said Common Council-men may at all times consist of those who are not only able and capable to perform the duties thereof, but of such as shall be mindful of and attentive to the said duties; and in order also to avoid an entire dependence, which might not be politically just and expedient, of any such Common Council-man, either on the body of which he may be a member, or on that of the Aldermen, *Be it further enacted by the authority aforesaid,* That if any Common Council-man shall misbehave himself in his said office, or shall fail or neglect well and faithfully to discharge the duties thereof, it shall and may be lawful for the Mayor or Recorder, Aldermen and Common Council-men, or a majority of the Aldermen and also of the Common Council-men, if the said Mayor or Recorder, and two thirds of the Aldermen, and also two thirds of the Common Council-men, who shall be present, shall agree thereto, on the petition and complaint, in writing, of twenty-four freeholders of the said city, and of twenty-four freemen of the said city, who shall not be freeholders, but who shall nevertheless be qualified, in manner aforesaid, to vote for Common Council-men, to remove, in a summary way, any such Common Council-man from his said office: *Provided nevertheless,* That the said petition and complaint, in writing, shall fully and minutely state all the causes assigned for such removal, and no other cause whatever shall be assigned, heard, or enquired into: *And provided also,* That a copy of the said petition and complaint, with

Of the removal of a Common Council-man for misbehaviour, on petition.

Form of the petition.

a notice of the time and place appointed for hearing and enquiring into the same, shall be served on such Common Council-man, at least ten days before any such hearing or enquiring shall take place.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That the Mayor, Recorder, Aldermen and Common Council-men, in Common Council assembled, shall have full power and authority to make, ordain, constitute and establish, such and so many laws, ordinances, regulations and constitutions, (provided the same shall not be repugnant to the laws and constitution of this commonwealth,) as shall be necessary or convenient for the government and welfare of the said city, and the same to enforce, put in use, and execution, by the proper officers, and at their pleasure to revoke, alter and make anew, as occasion may require.

Power of the corporation to make by-laws.

SECT. XVII. And in order that a knowledge of the said laws, ordinances, regulations and constitutions, may at all times be had and obtained, *It is hereby further enacted by the authority aforesaid,* That such and so many of them as shall not be published in two or more of the public newspapers published in the said city, within ten days from and after their being severally passed, ordained and established, and also recorded in the office of the [Master of the Rolls,] who shall be allowed and paid for recording thereof, at the same rate as is allowed for recording the laws of this commonwealth, within thirty days from and after their being so as aforesaid passed, ordained and established, shall be null and void.

Of the publication of the ordinances;

[Quære.]

SECT. XVIII. And in order that the publications thereof may, at all times, be known and ascertained, *It is further enacted and declared by the authority aforesaid,* That before any of the said laws, ordinances, regulations or constitutions, shall be so as aforesaid recorded, the publications thereof, respectively, with the times thereof, shall be proved by the oath or solemn affirmation of some credible person, which said oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publication.

and the proof of such publication.

SECT. XIX. *And be it further enacted by the authority aforesaid,* That the Mayor, Recorder and Aldermen of the said city, for the time being, shall severally and respectively have all the jurisdictions, powers and authorities of Justices of the Peace, and Justices of Oyer and Terminer and Gaol Delivery, of and for the said city, and shall act therein accordingly, jointly or severally, as fully and amply as any Justice or Justices of the Peace, or of Oyer and Terminer, or Gaol Delivery, of or for any county within this commonwealth, may or can do, in or for such county.

The Mayor, Recorder and Aldermen to have the power of Justices, &c.

SECT. XX. *And be it further enacted by the authority aforesaid,* That the said Mayor, Recorder and Aldermen, or any four or more of them, (whereof the Mayor or Recorder for the time being shall be one,) shall have full power and authority, and they are hereby vested with full power and authority, to enquire of, hear, try, and determine, agreeably to the laws and constitutions of this commonwealth, all larcenies, forgeries, perjuries, assaults and batteries, riots, routs, and unlawful assemblies, and all other offences which have been committed or shall be committed, within the said city,

Institution and power of the Mayor's Court.

1789. which would be cognizable in any county court of General Quarter Sessions of the Peace, of or for any county within this commonwealth, had the same offences, or any of them, been committed within any such county, and to punish all persons who shall be convicted of the same offences, or any of them, agreeably to the laws of this commonwealth, and also to enquire of, hear, try and determine all offences which shall be committed within the said city, against any of the laws, ordinances, regulations or constitutions, that shall be made, ordained or established, in pursuance of this act, and to punish the offender and offenders, as by the said laws, ordinances, regulations or constitutions, shall be prescribed or directed; and also to impose fines on jurymen and others, according to law, and to levy the same; and to award process, take recognizances for keeping of the peace, for being of good behaviour, and for appearance, or otherwise; or commit to prison, as occasion shall lawfully require, without being accountable to the commonwealth for any fines or amercements to be imposed for the said offences, or any of them, except such as are or shall be by law made payable into the state treasury, for offences against this commonwealth; and generally to do all such matters and things within the said city, as any court of General Quarter Sessions of the Peace, Oyer and Terminer and Gaol Delivery, of and for any county within this commonwealth, may or can do within any such county: And to the ends and intents, and for the purposes aforesaid, and for such other ends, intents and purposes, as are in and by this act declared or mentioned, the said Mayor, Recorder and Aldermen, or any four of them (whereof the Mayor or Recorder, for the time being, shall be one) shall have full power and authority, and they are hereby vested with full power and authority, to hold and keep a Court of Record, within the said city, four times in each year, by the name, style and title of "The Mayor's Court for the city of Philadelphia," for the enquiring, hearing, trying and determining of the pleas and matters aforesaid, and for the punishing of those who shall be found guilty thereof, and for the causing of all encroachments in the streets of the said city, and all nuisances, to be removed, and for the punishing the offenders as the law and usage shall in such case require, and for the doing and performing of all such other matters and things as are, in and by this act, made cognizable in the said court.

[See a supplement to the judiciary act passed 11th of March, 1809, § 9. Indictments may be removed from this court to the quarter sessions.]

Writ of error from the Mayor's Court to the Supreme Court.

SECT. XXI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall find him, her or themselves, aggrieved by any judgment of the said court of record, it shall and may be lawful for the party or parties so aggrieved, to sue out and obtain his, her or their writ or writs of error, which shall be granted of course, in like manner as other writs of error are granted, and made returnable in the Supreme Court of this commonwealth, and shall be proceeded in under the same rules and regulations.

Provided always, That when any writ of error shall be granted upon any judgment to be given in the said court of record, the said Mayor, Recorder and Aldermen, or their successors, shall not be compelled thereby, or by any other writ or writs to them directed, to remove, send or certify, into the said Supreme Court, or elsewhere,

How the writ of error shall be returned.

any of the indictments, or presentments, but only the tenors or transcripts thereof, and of the records touching and concerning the same, and of the proceedings thereon, under their common seal; and after such judgments shall be reversed or affirmed, it shall and may be lawful for the said Mayor, Recorder and Aldermen, and their successors to proceed to execution, or otherwise, as shall according to law appertain.

SECT. XXII. And to the end and intent that such persons, indicted or outlawed for felonies or other offences supposed by such indictments or outlawries to have been committed within the said city, as shall dwell, remove, lurk, or be received without the bounds and limits of the said city, may be brought to justice, *Be it further enacted by the authority aforesaid*, That the Mayor or Recorder of the said city, for the time being, shall and may, as often as occasion may require, issue his writ or writs of *Capias*, to the Sheriff or Sheriffs, or other officer of any county or counties, or town corporate, within this commonwealth, directed, commanding him or them to take and bring the body or bodies of any such person or persons, as shall be so as aforesaid indicted or outlawed, before him, the said Mayor or Recorder, or either of them, to be dealt with according to law; and every Sheriff and other officer, to whom any such writ or writs of *Capias* shall be directed and delivered, is hereby enjoined and required to use due diligence to execute the same, under such pains and penalties as are by law incurred by any Sheriff or other officer, for refusing or neglecting to obey and execute any *Capias*, or other process, to him directed and delivered.

The Mayor, or Recorder may issue writs of *Capias* into any county.

SECT. XXIII. And to the further end and intent that there may not be a failure of justice within the said city, by reason of any person or persons, who may be charged with having committed any offence or offences therein, lurking, or being in secret or other places in the neighbourhood thereof, *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for any constable or constables of the said city, to whom any warrant, under the hand and seal of the said Mayor, Recorder or Aldermen, or any of them, shall be delivered, commanding him or them to take any person or persons, who shall have been charged with having committed any offence within the said city, and to bring him or them before the said Mayor, Recorder and Aldermen, or any of them, and he and they are hereby enjoined and required to execute the same, by making of the arrest, if the same can be done at any place within the county of Philadelphia, and also by bringing such offender or offenders before the said Mayor, Recorder and Aldermen, or some of them.

On warrant of the Mayor, Recorder or Aldermen, constables may arrest within the county of Philadelphia.

SECT. XXIV. And to the further end and intent that there may not be a failure of justice within the said city, by reason of any witness or witnesses residing or being without the bounds or limits thereof, *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Mayor, Recorder and Aldermen, or any of them, before whom any complaint, indictment, plea, matter or thing, of a criminal or civil nature, within his or their jurisdiction, shall be made or depending, to issue his or their *Subpoena* to any person or persons within this commonwealth, commanding him or them to appear and give evidence therein; and every person

Of issuing writs of *Subpoena*.

1789. to whom the same shall be directed, and on whom service thereof shall be duly made, shall attend accordingly, and give evidence, under such pains and penalties as are by law incurred by any person or persons refusing to attend and give evidence, when duly subpoenaed for that purpose.

SECT. XXV. [Establishment and power of the Alderman's Court. Repealed by act of twentieth of March, one thousand eight hundred and ten.]

SECT. XXVI. [Fees allowed in the Alderman's Court. Repealed by act of twentieth of March, one thousand eight hundred and ten.]

SECT. XXVII. *And be it further enacted by the authority aforesaid,* That the Mayor of the said city, for the time being, and each and every Alderman thereof, shall have cognizance of, and a sole and exclusive right to hear and determine, in a summary way, all such matters and things, within the said city, where the debt or demand shall not amount to forty shillings, as are by law cognizable before any one Justice of the peace in any county within this commonwealth, and shall issue the like process, in nature of a summons, *Capias*, or attachment, as the case may require; and shall proceed therein in like manner, for the like fees or costs, and with the like powers and authorities, and under and subject to the like rules, regulations and restrictions, and to the like relief for insolvent debtors, and to the like means, process and execution, as in cases of debt or other demand under forty shillings, before any Justice of the peace within this commonwealth.

SECT. XXVIII. *Provided nevertheless,* That if any person or persons shall find him, her or themselves aggrieved by any judgment or judgments of any such Mayor or Aldermen, in any such debt or demand under forty shillings, it shall and may be lawful for him, her or them, who shall be so aggrieved, to appeal, at any time within six days, from any such judgment or judgments, [to the Alderman's Court in and by this act established, where the said appeal shall, with all convenient speed, be heard and finally determined, and execution be awarded in the manner herein before directed, and for the like costs:] *And provided further,* That before any such appeal shall be allowed or admitted [by the said Alderman's Court,] sufficient security shall be entered in the same court, by the person or persons so appealing (if he, she or they shall not be a freeholder or freeholders,) to prosecute the said appeal to effect and to abide by and perform the order and judgment of the said court, in case judgment shall pass against him, her or them, on the said appeal: *And provided further,* That before the said appeal shall be determined or heard, notice in writing, of every such appeal shall be given to the adverse party.

SECT. XXIX. And in order to prevent the frequent clashing of jurisdictions, and the mischiefs arising therefrom, *Be it further enacted by the authority aforesaid,* That the Justices of the court of General Quarter Sessions of the peace of and for the county of Philadelphia, or any or either of them, shall not, in any matter or thing of a civil or criminal nature, have any further or other powers or jurisdictions within the said city, than the said Mayor, Recorder and Aldermen, or any of them, may or can have in the said county of Philadelphia, and without the bounds and limits of the said city.

Summary jurisdiction of the Mayor and Aldermen for debts under forty shillings.

Appeal from the Mayor or Aldermen to the Alderman's Court.

[So far as respects the appeal to the Alderman's Court, this section is repealed by the act of 20th of March, 1810.]

The county Justices to have no more jurisdiction in the city, than the Mayor, &c. have in the county

SECT. xxx. *And be it further enacted by the authority aforesaid, 1789.* That, from and immediately after the fifteenth day of April next, so much of each and every act and acts of General Assembly of this commonwealth, heretofore made or enacted, as directs, authorizes or regulates the electing, choosing, nominating, commissioning or appointing of any Justice or Justices of the peace, in, of or for the said city of Philadelphia, or any ward or wards, district or districts, therein; and also so much of each and every act and acts of General Assembly, as directs, authorizes or empowers any Justice or Justices of the peace, jointly or severally, either by themselves, or collectively with any other person or persons, to take cognizance of, or to direct, do or perform any matter or thing whatsoever, within the said city, either of a criminal or civil nature, or otherwise; and also so much of each and every act and acts of General Assembly, as directs, authorizes or empowers the nominating, choosing, appointing or commissioning of any person or persons to hold a City Court or Courts in or for the said city, or as directs, authorizes or empowers any such person or persons to hold any such court or courts, or to take cognizance of, hear, try or determine any matter or thing therein, be, and they and each and every of them are hereby, severally and respectively, repealed and made null and void. *Provided nevertheless,* That neither this act, or any thing herein contained, shall annul, make void, or prevent the execution of any judgment, order, sentence, decree, award of execution, or other matter or thing, already passed, pronounced, awarded, ordered, issued or done, or which shall, on or before the said fifteenth day of April next, be passed, pronounced, awarded, ordered, issued or done, by the said Judges or Justices, or any of them, but the same shall be of the same force and effect, and be obeyed and executed, as fully as if this act had not been passed.

Repeal of laws for appointing Justices in the city, and for holding City Courts.

Proviso, as to process depending.

SECT. xxxi. [This section temporary and obsolete.]

SECT. xxxii. *And be it further enacted by the authority aforesaid,* That all recognizances for appearance, which shall be taken by or before the said Justices or Judges, or any of them, from and after the passing of this act, shall be for the appearance of the party or parties at the next Mayor's Court to be held for the city of Philadelphia, and shall be by them respectively certified and returned to the said court.

Future recognizances to be returnable to the City Court.

SECT. xxxiii. *And be it further enacted by the authority aforesaid,* That the Judges of the said City Court shall and they are hereby enjoined and required to deliver, or cause to be delivered to the said Mayor, Recorder and Aldermen, at the next Mayor's Court to be had and held in pursuance of this act, all recognizances for appearance, which have been taken before, or certified and returned to them, and which have not been discharged by appearance or otherwise; and also all indictments and presentments which have been found or made, or shall be found or made before them, and which shall not be ended and determined; and also all papers and records, duly certified, of all such matters and things as have been or shall be begun in the said City Court, and as shall remain unfinished: And the said Mayor, Recorder and Aldermen, or any four of them (whereof the Mayor or Recorder, for the time being,

The records of the City Court to be surrendered to the Mayor's Court.

who shall succeed therein.

1789. shall be one) shall proceed therein, as to law and justice shall appertain, as fully and amply, to all intents and purposes, as they might or could have done, if such indictments or presentments had been found before or made to them, or such recognizances had been taken by them, or any of them.

Transfer of the duties, powers, contracts, and property of the City Wardens and Street Commissioners to the Corporation.

SECT. XXXIV. *And be it further enacted by the authority aforesaid,* That so much of all and every act and acts of General Assembly, as directs, authorizes or requires any matters or things to be done and performed by the City Wardens, or by the Commissioners for paving and cleansing the streets of the said city, or by all or any of them, shall, from and after the first day of June next, be null and void, and the said officers shall no longer continue in office, nor shall any new appointment of such officers be made under any former law or act of Assembly, *Provided nevertheless,* That nothing herein contained shall bar, prevent, or at all impede the recovery of any sum or sums of money, or of any other matter or thing, for the recovery whereof the said Wardens or Commissioners have instituted any suit, cause or action, but the same shall and lawfully may be carried on by the said Mayor, Aldermen and Citizens, in the names of the said Wardens or of the said Commissioners, as the case may require, to final judgment, execution and recovery, as fully and effectually as the same might or could have been done by the said Wardens or Commissioners, had this act not been passed; *And provided further,* That all and every matter and thing that has been commenced, begun or entered upon by the said Wardens and Commissioners, or either of them, in pursuance of the powers and authorities in them vested, shall be of the same force and effect, as if this act had not been passed, and may, from and after the said first day of June next, be proceeded in and carried into effect, agreeably to the directions of this act, as fully as the same might or could have been done by the said Wardens and Commissioners, or either of them, had this act not been made; and for this purpose, all contracts and agreements made or entered into by the said Wardens and Commissioners, or either of them, in pursuance of the powers in them legally vested, or which they, or either of them, shall, in manner aforesaid, enter into before the said first day of June next, shall be equally binding upon the said Mayor, Aldermen and Citizens, and upon the person or persons with whom the same have been or shall be made, as if the same had originally been made and entered into by and between them.

How the duties of the Wardens and Commissioners may be discharged.

SECT. XXXV. *And be it further enacted by the authority aforesaid,* That, from and after the said first day of June next, the Mayor, Recorder, Aldermen and Common Council-men shall be, and they are hereby, fully authorized and empowered, either by themselves, or by proper persons for that purpose to be by them appointed, to do, perform and execute all such matters and things, as the said Wardens and Street Commissioners were, at and immediately before the passing of this act, respectively authorized or enabled by law to do. (p)

(p) This section is altered by the act of the 2d of April, 1790. (Note to former edition.)

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Certain matters to be performed by the Mayor or Recorder, and Aldermen, before entrusted to the Wardens and Street Commissioners.

SECT. XXXVI. *And be it further enacted by the authority aforesaid,* That, from and after the said first day of June next, the Mayor or Recorder, and four of the Aldermen, shall be, and they are hereby fully authorized and empowered, either by themselves, or by proper persons to be by them for that purpose appointed, to do, perform and execute all such matters and things, as the said Wardens and Street Commissioners respectively were, at and immediately before the passing of this act, authorized or enabled by law, to do and perform, in conjunction with any Justice or Justices of the Peace of and for the city and county of Philadelphia, or of either of them. And for the several purposes aforesaid, it shall and may be lawful for the said Mayor, Recorder, Aldermen and Common Council-men, in Common Council assembled, to make, ordain and establish such ordinances, regulations and provisions, concerning the same, as by them shall be deemed necessary and expedient; and also to allow and make such rewards and compensation to the several officers of the said Corporation, and persons to be employed in the service thereof, as shall be just and reasonable. *Provided nevertheless,* That the consent and approbation of the Mayor or Recorder, and of a majority of the Aldermen, and also of the Common Council-men, who shall, from time to time, be present; and in Common Council assembled, shall be necessary to the making, ordaining or establishing of any such rules, regulations, appointments, laws, ordinances and constitutions, as the said Mayor, Recorder, Aldermen and Common Council-men, in Common Council assembled, are, in and by this act authorized or empowered to make, ordain or establish. (g)

SECT. XXXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Mayor, or Recorder, Aldermen and Common Council-men, in Common Council assembled, from time to time, to permit and licence such and so many brokers within the said city, and under such rules and regulations, as they may think proper; and to prohibit all other persons from using or exercising the business of a broker therein, under such pains and penalties, as shall, from time to time, be ordained and established in manner aforesaid.

Of licencing brokers within the city.

SECT. XXXVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Mayor of the said city to nominate, and, from time to time, to appoint one or more Clerk or Clerks of the markets, who shall have assize of bread, wine, beer, wood, and other things within the said city, and shall do and perform all things belonging to the office of Clerks of the markets, within the said city.

Of appointing Clerks of the markets, and their duty.

SECT. XXXIX. *And be it further enacted by the authority aforesaid,* That for the well governing of the said city, and the ordering of the affairs thereof, there shall be such other officers therein, and at such salaries, or other compensation, as the Mayor, Recorder, Aldermen and Common Council-men, in Common Council assem-

Compensation of the officers of the Corporation; and their qualification.

(g) This section is altered by the act of the 2d of April, 1790. (Note to former edition.)

1789. bled, shall direct; each and every of which said officer and officers shall, nevertheless, before entering on the duties of his office, take a solemn oath or affirmation, before the Mayor of the said city, for the time being, well and faithfully to perform and execute the same. (r)

All the rights, property, &c. of the old city corporation, vested in the new one.

SECT. XL. *And be it further enacted by the authority aforesaid,* That all the rights of the late corporation, known by the name of "The Mayor and Commonalty of Philadelphia," in the province of Pennsylvania," in and to all lands, tenements, hereditaments, ferries, wharves, markets, stalls, landings and landing-places, goods, chattels, monies and effects, whatsoever; and also all other lands, tenements and hereditaments, rights, franchises, liberties, privileges, goods, chattels, monies and effects, whereof any person or persons, or bodies politic or corporate, are seized or possessed, or which they, or any of them, hold or enjoy in trust for, or to and for the use of the citizens of the city of Philadelphia, or which the said citizens are, in any wise, entitled to, be, and they are hereby, severally and respectively, vested in the said corporation, or body politic, of the city of Philadelphia, and their successors, in and by this act established by the name, style and title aforesaid, to and for the use and benefit of the said citizens, and their successors, for ever; saving, nevertheless, to all and every person and persons, and bodies politic and corporate, his her and their just rights therein.

All the estates, &c. of the old corporation to be delivered to the new one.

SECT. XLI. *And to the end and intent that all and singular the estate and estates, rights, privileges and interests aforesaid, may be had and received by the said Mayor, Aldermen and Common Council-men, and be by them and their successors faithfully applied to and for the use of the said citizens and their successors, for ever, Be it further enacted by the authority aforesaid,* That all and every person and persons, and bodies politic and corporate, who are, or shall be, seized or possessed of the same, or of any part thereof, shall, on reasonable request, deliver the same to the said Mayor, Aldermen and Common Council-men, together with all deeds, writings, evidences, books and papers, touching and concerning the same, with proper assignments, where the same shall be necessary, and just, true and fair accounts thereof; and whoever shall fail herein shall be liable to be sued for the same, and shall, moreover, forfeit and pay to the said Mayor, Aldermen and citizens, any sum of money, not exceeding five hundred pounds, to be sued for and recovered in any Court of Record.

Of summoning the Common Council;

and a quorum thereof. [See act of 4th of April, 1796.]

SECT. XLII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Mayor or Recorder, for the time being, from time to time, as often as they, or either of them, shall see occasion, to summon a Common Council; [and that no assembly or meeting shall be deemed or accounted a Common Council, unless the Mayor or Recorder, and at least eight of the Aldermen and sixteen of the Common Council-men, shall be present.]

(r) This section does not vest the right of appointing the Clerk of the City Court in the corporation; but the power remains in the Governor. It relates on-

ly to officers necessary for the internal police of the city, and to salary officers. *John v. Nicholls* in Supreme Court, Sept'r, 1792.

SECT. XLIII. *And be it further enacted by the authority aforesaid,* 1789.
That the said Mayor, Aldermen and Common Council-men shall, once in every year, cause to be published, a just and true account of all the monies which shall have accrued to them, in their corporate capacity, during the year next preceding such publication, and also of the disposition thereof; and shall also lay a copy thereof before the General Assembly.

The corporation to publish their accounts annually.

SECT. XLIV. *And be it further enacted by the authority aforesaid,* This act to be construed most favourably for the corporation.
That as often as any doubts shall arise touching this act, the same shall, in all courts of law and equity, and elsewhere, be construed and taken most favourably for the said corporation.

Passed 11th March, 1789.—Recorded in Law Book No. III. page 458.

CHAPTER MCCCLXXXIV.

A SUPPLEMENT to an act, entitled "An act more effectually to prevent unfair practices in the packing of beef and pork for exportation, and to regulate the exportation of flaxseed, butter, and biscuit in kegs."

SECT. I. WHEREAS the commercial reputation and general interest of this commonwealth has been greatly advanced by divers wholesome laws, subjecting the produce thereof to regular and careful inspection, and it is right and proper, that the exports from this state should conform, as nearly as may be found convenient, in package and value, with those of other countries, which are vended from time to time in the same foreign market: And whereas sundry defects in the law relating to salted beef and pork, passed the eighteenth day of August, one thousand seven hundred and twenty-seven, have been discovered by observation and experience:

[Original act vol. I, p. 170, chap. 295.]

SECT. II. *Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That, from and after the first day of November next, every tierce, barrel or half barrel, in which salted beef or pork shall be exposed to sale within this commonwealth, or exported therefrom, (except such as shall have been brought or imported from any place or places without the bounds and limits of this commonwealth, with the name of the state, town or place, from which the same shall have been brought or imported, branded, or marked at full length, and in a plain, legible manner thereon, and which shall be sold or exported as aforesaid, with the same name so as aforesaid branded or marked thereon, and not as the beef or pork of Pennsylvania,) shall be made of sound and well seasoned white oak timber, with at least fourteen good and substantial hoops thereon, which hoops shall be fastened and secured at each end of such tierce, barrel or half barrel, by iron nails, and at each bilge by wooden pins or pegs.

Dimensions, make, quality, and brand of the barrels, &c. for packing beef or pork for exportation.

[See act of 24th of Sept. 1789.]

SECT. III. *And be it enacted by the authority aforesaid,* That every tierce in which salted beef or pork (except as is before ex-

Contents of every tierce