

CHAPTER XXIII.

AN ACT

More effectually to prevent the selling of liquors by less measure than a quart, without license, in the city or county of Philadelphia.

SECT. 1. *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 if any person or persons shall sell or retail within the city or county of Philadelphia, less than one quart of rum, wine, brandy, or other spirituous liquor, to be delivered at one time and to one or more than one person, without having first obtained license agreeably to law for that purpose, he, she, or they, shall forfeit and pay for the first offence, on conviction before any court of competent jurisdiction, such fine, not exceeding fifty dollars, and for the second and every subsequent offence, such fine, not exceeding one hundred dollars, as said court may in its discretion think proper to inflict, or if unable to pay the said penalty, shall be committed to the prison of the said city and county for any time not exceeding one month.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said penalties shall inure to the guardians or overseers of the poor of the city and county, township or district, where such offence shall be committed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the county of Philadelphia, and the mayor's court for the city of Philadelphia, respectively, shall have power to allow the constables attending the said courts, a reasonable compensation, to be paid by an order of the court, drawn on the said guardians or overseers of the poor, out of the fines and penalties hereby directed to inure to the said guardians and overseers, not exceeding five dollars, at each session, for making a return of the retailers of liquors within their respective wards or townships, which return said constables are hereby required to make, under oath or affirmation, stating particularly the name and place of abode of each person so retailing; and on neglect so to do, the said courts, on presentment of the grand jury, are hereby authorised to fine said constables any sum not exceeding fifty dollars. And the said constables are hereby declared to be competent witnesses in all prosecutions under this act.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all fines, issues, amercements, forfeited recognizances and other forfeitures for the appearance of witnesses or defendants on prosecutions for tipping houses, which now are or hereafter shall be set or imposed, lost or forfeited in the courts of quarter sessions of the county of Philadelphia, shall be

or in "the mayor's court for the city of Philadelphia," shall by the respective clerks of the same, be certified and estreated to the guardians of the poor of the city of Philadelphia, the district of Southwark and township of the Northern Liberties, and to the overseers of the poor of the districts or township respectively, where the defendant resides; within ten days after the expiration of the term at which such fines or forfeitures were imposed; together with all orders and judgments of the said courts respectively, on all forfeited recognizances, which estreat or returns of fines or forfeitures, shall be under oath or affirmation of the respective clerks. And so much of the act passed the twenty-fourth day of March, one thousand eight hundred and eighteen, entitled "An act appropriating the monies arising from fines and forfeitures to county purposes," as is hereby supplied, be and the same is hereby repealed.

The estreat to be on oath, &c.
Repeal of part of former act.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the mayor's court of the city of Philadelphia, shall have full power and authority to issue process on all recognizances whatsoever, now or hereafter forfeited in the said court, and to prosecute the same to final judgment and recovery, and to moderate or remit the same as effectually as the several courts of common pleas in this commonwealth now may or can do.

Mayors court authorised to issue process on forfeited recognizances & prosecute the same, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That no person whatsoever shall be excluded from being a witness, arbitrator, judge or juror in any prosecution under this act or any other penal act of assembly, by reason of his being subject to the payment of county rates and levies, or levies for the poor in the said city or county.

Disqualification of witness, arbitrators, &c. taken away in certain cases.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the act entitled "An act to suppress tippingling houses within the city and county of Philadelphia, passed the twenty-fifth day of March, one thousand eight hundred and seventeen, and so much of any act or acts as is hereby supplied, be and the same is hereby repealed, so far as respects the operation thereof, within the city and county of Philadelphia.

Repeal of certain laws.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,
Speaker of the Senate.

APPROVED—the twenty-seventh day of January, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.