

necessary explanations, for a proper understanding of the same, which map shall be the property of the said county. Authority to And the commissioners are further authorized to contract for publish publishing a map of the county, including the city and incorporated districts, on such terms as they shall deem most expedient.

WM. HOPKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. PENROSE,  
*Speaker of the Senate.*

APPROVED—This twenty-first of June, A. D., eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 148.

## AN ACT

To provide for the election of Mayor, of the city of Philadelphia, by the qualified electors thereof, to confer jurisdiction on the Mayor and Recorder of said city, in actions for penalties; to appoint an additional Warden for the district of Kensington; to widen Locust street, in the city of Philadelphia, and for other purposes.

SECTION 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 the electors of the city of Philadelphia, qualified to vote for members of council, shall, at the general election, on the second Tuesday of October next, and on the same day, annually thereafter, vote for, and elect <sup>Mayor to be elected</sup> one person, who shall be at least twenty-five years of age, and have resided at least four years next preceding said election, within this commonwealth, and the last two years thereof in said city, to serve as mayor of said city, for the term of <sup>To serve one year</sup> one year, commencing with the Tuesday next succeeding such general election; and the officers and clerks of such general election, shall perform the said duties, and be liable to the same penalties, in relation to said election for mayor, as are now, or hereafter may be provided by law in cases of elections for members of council.

**Judges to give notice to mayor elect**  
**Duplicate copies of return how made and to whom to be delivered**

**SECTION 2.** The judges of said election, within two days after the result thereof shall have been ascertained, shall transmit to the person having a majority of the whole number of votes given for mayor, a written or printed certificate of his election. They shall also make out in the usual form, duplicate copies of a full and true return of all the votes given for mayor, as aforesaid, designating the names of the persons voted for, and the number of votes for each; and at or before twelve o'clock (meridian) of the third Tuesday of October next succeeding said election, shall deliver one copy of said return to the city clerk, to be by him filed in his office; and the other copy enclosed in a sealed paper, with the words "return of the election for mayor," and the date thereof endorsed thereon, to the president of the select council, or to the person acting as such for the time being.

**President and select council, &c. to open and publish returns**  
**Oath and by whom administered**  
**Duties powers and privileges of mayor**  
**In case of no election**  
**Members of council to elect viva voce**  
**Vacancies how supplied**

**SECTION 3.** The said president of the select council, or the person acting as such, shall, at a joint meeting of the select and common council, on the said Tuesday next succeeding such general election, open and publish said return, and cause the same to be entered on the journal of said select council; and the said president of select council, or the person acting as such, the recorder of the city, or other person duly qualified, shall then or there administer the usual oath or affirmation, to the person having a majority of the whole number of votes for mayor, as aforesaid, who shall thenceforth *inter upon*, and perform all the duties, and possess and enjoy all the powers and privileges appertaining to the office of mayor of said city, by virtue of any law of this commonwealth, or any ordinance or regulation of said city, for the term of one year, as aforesaid, and until another shall have been duly elected and qualified; but if it shall appear, at the opening and publishing of said return, that no person has been duly elected mayor, as aforesaid, or if an election shall be contested, and there shall be from the return received, or other competent testimony, (to be judged of by the members present at such joint meeting,) a reasonable doubt whether either, and if either, which of the persons voted for as mayor, has been duly elected, then the members of the select and common council, in joint meeting, as aforesaid, shall forthwith proceed to elect (viva voce) one of the two persons having the highest number of votes, to serve as mayor, aforesaid. And whenever the office of mayor shall become vacant by the refusal or omission to serve, of any person elected, as aforesaid, by death, resignation, or otherwise; it shall be the duty of said select and common council, in joint meeting, as soon as conveniently may be after such vacancy shall happen, to elect a suitable person to serve as mayor, aforesaid, who shall continue in office until the third Tuesday of October

next succeeding his election, and until another shall have been duly elected and qualified.

SECTION 4. The mayor and recorder of the said city of Philadelphia, shall, respectively have power to try, judge, hear, and determine all actions for penalties, fines, or forfeitures, imposed by virtue of the laws of this commonwealth, relating to the said city, or by virtue of the ordinances, by-laws, or regulations of the said city, as fully and in the same manner, and with the same rights and privileges, as any alderman of the said city, by the laws of this commonwealth now has or hereafter may have the power to do, subject to the same right of appeal, as for debts under one hundred dollars; and all such actions shall be instituted in the corporate name of said city.

Judicial power of mayor and recorder

SECTION 5. The select and common councils of the city of Philadelphia shall hereafter have power to provide by ordinance for the election or appointment of all the officers and agents of the corporation, of the city of Philadelphia, now appointed by the mayor of the said city, in such manner as they may deem expedient.

Powers vested in council as to election of certain officers, &c.

SECTION 6. The governor is hereby further authorized and required to appoint one additional assistant warden, who shall be a member of the board of wardens, for the port of Philadelphia, and be an inhabitant of the district of Kensington, in the county of Philadelphia, and shall possess and enjoy all the powers and privileges, perform the like duties, and be subject to the same penalties provided by existing laws, in relation to wardens and assistant wardens, for said port of Philadelphia.

Governor to appoint an additional assistant warden To be an inhabitant of Kensington

SECTION 7. That Locust street, from Washington street to Eighth street from Delaware, in the city of Philadelphia, be widened to fifty feet, agreeably to the reports of the juries of view and of damages filed in the court of quarter sessions of the county of Philadelphia: *Provided*, That nothing herein contained shall be deemed, taken or construed in any manner, to interfere with the steps and openings into the cellars of the seven houses erected by Evans Rogers, on the north side of said Locust street, as now widened; but that the same shall remain so long as the said buildings shall continue.

Locust street to be widened

Proviso

SECTION 8. That an act entitled "An act authorizing the president judge of the fourth judicial district to try certain causes in Bedford county," passed the eleventh day of January, Anno Domini, eighteen hundred and twenty-eight, be and the same is hereby repealed, and the thirty-seventh, thirty-eighth, thirty-ninth, and fortieth sections of an act passed the fourteenth day of April, one thousand eight hundred and thirty-four, entitled "an act relative to the organi-

Repeal of act try causes in Bedford county

Certain sections relative to the organization of courts of jus-

tion extended to the county of Bedford. Be and the same is hereby extended to the county of Bedford.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The twenty-first day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 149.

## AN ACT

Providing for the election of Aldermen and Justices of the Peace.

SECTION 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 the qualified voters of the respective wards, boroughs and townships, in this commonwealth, shall, in the year of our Lord, one thousand eight hundred and forty, and whenever by this act it becomes necessary thereafter, at the times and places fixed for the election of constables in the said wards, boroughs and townships, elect justices of the peace and aldermen as follows: For each township, shall be elected two justices of the peace; for each borough, not divided into wards, shall be elected two justices of the peace; for each ward in a borough, shall be elected two justices of the peace; for each ward in a city, shall be elected two aldermen, except in the city and incorporated districts of the county of Philadelphia, where one alderman shall be elected for each ward; and such election shall be held, and conducted in the mode and manner, and by the same officers and persons, as the constables elections are held and conducted. But where a borough forms part of a township in which it is situated, the qualified voters of said borough, shall not be permitted to vote for justices of said township, nor shall the qualified voters of the township, be permitted to vote for justices of said borough.

SECTION 2. That the officers and other persons, holding and conducting such election for aldermen and justices of the peace, shall make true duplicate returns of such elections,

Election in  
1840

Election of  
justices and  
aldermen

Manner of  
holding elec-  
tion

Returns how  
made