

providing a fund for sinking the same by a tax on all estates real and personal and on all taxables within the same.”²

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit any of the United States lottery tickets by printing or procuring the same to be printed in the likeness of the genuine tickets or forge the name or names of any of the signers of the said tickets, or shall alter the number, or shall sell, utter or otherwise distribute any of the said counterfeit, forged or altered tickets knowing them to be such and be thereof legally convicted before any court of quarter sessions in this commonwealth, he, she or they shall be sentenced to the pillory and be publicly whipped with any number not exceeding thirty-nine lashes well laid on his, her or their bare backs, and the offender shall pay to the party aggrieved double the value of the damages thereby sustained, together with the costs and charges of the prosecution; and if the offender shall not have enough to satisfy the person aggrieved for his or her damages together with costs he, she or they shall be sold for any term not exceeding seven years; and every such counterfeit ticket shall be delivered to the judges or justices of the court, to be made use of upon the trial of the person so accused or suspected and afterwards to be burnt and destroyed in presence of the court.

Passed March 20, 1777. See the notes to the Act of Assembly passed September 28, 1773, Chapter 686; and the note to Ordinance of the First Constitutional Convention passed August 1, 1776, Chapter 728.

CHAPTER DCCLIV.

AN ACT AUTHORIZING THE PRESIDENT AND COUNCIL TO APPOINT JUDGES TO HOLD CITY COURTS AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas by the late revolution which hath taken place in the government of this state all powers and jurisdictions not founded on the authority of the people only have become null and void:

² Passed March 17, 1777, Chapter 750.

And whereas the powers and jurisdictions hitherto exercised by the mayor, recorder and aldermen of the city of Philadelphia were not founded on the said authority of the people and are therefore become null and void. In order to remedy any inconveniences which may arise from the want of proper persons to exercise the powers and jurisdictions formerly exercised by the said mayor, recorder and aldermen:

[Section I] (Section II, P. L.) Be it 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 president and executive council shall appoint and commissionate five judicious and respectable inhabitants of the said city of Philadelphia to be judges of a certain court to be held in the said city to be called the city court, who or any three of them shall hold the same; and the said judges shall hold the said court four times in the year at such times as they shall appoint, except the first court which shall be held on Monday, the twenty-first day of April next; and the said judges or any three of them and the said city court shall have, use, exercise and enjoy the same or equal power, authority and jurisdiction within the said city as the said late mayor, recorder and aldermen of the said mayor's court had or used, exercised or enjoyed, in as full and ample a manner as if the same were herein particularly set forth and described.

(Section III, P. L.) And whereas it is necessary that some temporary regulation should take place respecting certain rights or claims used or exercised by the said mayor, recorder, aldermen and common council of the said city until the public tranquility shall be so far established as to afford leisure for making some more permanent regulation:

[Section II] (Section IV, P. L.) Be it therefore enacted by the authority aforesaid, That the president and council shall appoint proper persons to be clerk of the market, corder and corders of wood, measurers of grain, salt and other such officers as have been usually appointed by the said mayor, recorder, aldermen and common council or some or one of them: and the said president and council shall also let out upon rent all such ferries, wharves, stalls, standings and places as were usually let out upon rent by the late mayor, recorder, aldermen and

common council or any or either of them. And the said president and council shall receive all such rents as are now due or accrued from all persons holding any such ferries, wharves, stalls, standings or places, and the same, together with all such rents as shall accrue and become due hereafter, shall pay into the hands of the state treasurer for the use of the inhabitants of the said city of Philadelphia, to be disposed of for the use of the said inhabitants as shall be hereafter directed.

[Section III] (Section V P. L.) Be it further by the authority aforesaid enacted, That all indictments, informations, and causes whatsoever which were depending and undetermined in the said mayor's court on the day of last past shall be removed into and made cognizable in the said city court in the same manner as if the same had originated therein, save only that wherever the name of the King of Great Britain occurs there shall be used and substituted the commonwealth of Pennsylvania in the stead of the name of the said King.

[Section IV] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the late mayor, recorder and aldermen of the said city shall deliver up and return all recognizances which they shall have taken from any person or persons since the said day of to the judges of the said city court or some one of them on or before the said twenty-first day of April, which said recognizances in case of forfeiture shall be sued in the name of the commonwealth of Pennsylvania, though they should have been taken in the name of the King aforesaid.

[Section V] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the clerk of the said mayor's court shall well and truly deliver and surrender up to the said judges of the city courts or some one of them all and singular the books, records and papers belonging to or in use in the said court, and if he shall, upon demand being made thereof in writing, refuse or neglect so to do, the president in council is hereby authorized and required to commit him to the gaol of the said city, there to remain without bail or mainprize until he shall deliver up the said books, records and papers.

[Section VI] (Section VIII, P. L.) Be it enacted by the au-

thority aforesaid, That the prothonotary of the city of Philadelphia and of each county in this state before they enter on the duties of their respective offices shall severally take the oaths or affirmations required by the constitution of this state, and shall give bond to the president of the council for the time being with one or more sufficient sureties for such sum or sums as the president and council shall judge sufficient for the faithful execution of their respective offices and for the delivery of all books, records, papers and seals belonging to their respective offices aforesaid, whole, safe and undefaced to the person or persons who shall be appointed or commissioned by the president and council to succeed him or them in their respective offices.

[Section VII] (Section IX, P. L.) Be it further enacted by the authority aforesaid, That if any person who may have acted as prothonotary in the city of Philadelphia or in any county in the state shall refuse when thereunto required by the person who is or shall be appointed by the president and council to succeed him in his office to deliver up all and singular the books, records, papers and seals belonging to or in use in the said office, and on demand being made in writing shall refuse or neglect so to do the president in council or any two justices of the peace are hereby required and authorized to commit him to the common gaol of the city or county where the offender dwells, there to remain without bail or mainprize until the said successors shall become possessed of the said books, records, papers and seals.

[Section VIII] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the president and council are hereby authorized and empowered to take such measures to procure the books, records, papers and seals aforesaid as to them may seem necessary, and in case the seals of the said office should not be delivered as aforesaid then the officer appointed by the president and council to make use of any other seal he shall choose until a new one can be made.

Passed March 21, 1777. See the Acts of Assembly passed March 31, 1784, Chapter 1093; March 11, 1789, Chapter 1394.