

CHAPTER MCCCXCIV.

AN ACT TO INCORPORATE THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas the intention of civil government is to provide for the order, safety and happiness of the people and 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:

[Section I.] (Section II, P. L.) 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 forever 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 forever 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 forever 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.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said corporation by the name and style aforesaid are and forever 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.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That agreeably to the desire of a majority of the freeholders of the said city expressed in their petitions to this house, it shall and may be lawful for the freeholders of the said city to meet together at the state-house in the said city or at such other place therein as shall be appointed for holding of the elections of representatives to serve in the general assembly of this commonwealth, between the hours of ten and twelve of the clock in the forenoon on the first Tuesday in April next, and on the first Tuesday in April which will be in the year of our Lord one thousand seven hundred and ninety-six and so on, on the first Tuesday in April at the end of each and every seven years forever; and then and there to choose by ballot out of the inhabitants of the said city in the manner which now is and from time to time shall be prescribed by the laws for choosing representatives to serve in the said general assembly, fifteen suitable and proper persons to serve as aldermen in and for the said city for the term of seven years.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the freemen of the said city who are or shall be qualified

agreeably to the laws and constitution of this commonwealth to vote for members to serve in the said general assembly, to meet together at the place aforesaid between the hours of ten and twelve of the clock in the forenoon on the second Tuesday in April next and on the second Tuesday in April which will be in the year of our Lord one thousand seven hundred and ninety-two and so on, on the second Tuesday in April at the end of each and every three years forever and then and there to choose by ballot out of the inhabitants of the said city in manner aforesaid thirty suitable and proper persons to serve as common councilmen in and for the said city for the term of three years.

[Section V.] (Section VI, P. L.) 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 councilmen, 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.

[Section VI.] (Section VII, P. L.) 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 councilmen 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 who shall come to vote thereat or be anywise concerned therein, are hereby enjoined and required to conduct and demean him and themselves accordingly.

[Section VII.] (Section VIII, P. L.) 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 councilman elect as the case may be with the number of votes in favor 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 councilmen 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 councilmen 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.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said aldermen elect or fifteen persons having the highest number of votes for the office of alderman 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 aldermen to be held in pursuance of this act and shall then and there receive the said returns of aldermen 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 evaded, the said aldermen 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 hereinbefore 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.

[Section IX.] (Section X, P. L.) 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.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said common councilmen elect or thirty persons having the highest number of votes for the office of common councilmen 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 councilmen to be held in pursuance of this act and shall then and there receive the said returns of common councilmen 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 councilmen 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 hereinbefore 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.

[Section XI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That each and every common councilman who shall be elected, chosen and returned as aforesaid and whose election shall be so as aforesaid approved of shall, before he enters upon the execution of his office, take a solemn oath or affirmation before the mayor of the said city for the time being "well and fathfully to execute the office of a common councilman 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 councilmen to be held in pursuance of this act.

[Section XII] (Section XIII, P. L.) 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.

[Section XIII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said mayor and aldermen or a majority of them to

elect and choose by ballot out of the freemen and inhabitants of the said city a recorder of the said city who shall hold the said office and be vested with all the powers and jurisdictions thereof and with all the powers and jurisdictions of a justice of the peace within the said city for the term of seven years and the same office of recorder shall be filled and supplied in manner aforesaid as often as a vacancy shall happen therein in manner aforesaid and the said recorder or person who shall be so as aforesaid chosen for that purpose shall, before he enters upon the duties of the said office, or upon any other duty in pursuance of this act, take a solemn oath or affirmation before the mayor of the said city for the time being "well and faithfully to execute and perform the office of recorder of the said city," and shall thereupon enter upon the duties thereof without any further or other commission, 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 removable for misconduct in office by the said general assembly.

And in order that the said common councilmen 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 councilman either on the body of which he may be a member or on that of the aldermen:

[Section XIV.] (Section XV, P. L.) Be it further enacted by the authority aforesaid, That if any common councilman 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 councilmen or a majority of the aldermen and also of the common councilmen if the said mayor or recorder and two-thirds of the aldermen and also two-thirds of the common councilmen who shall be present shall agree thereto on the petition and complaint in writing of twenty-four free-

holders 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 councilmen, to remove in a summary way any such common councilman 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 inquired into, And provided also, That a copy of the said petition and complaint with a notice of the time and place appointed for hearing and inquiring into the same shall be served on such common councilman at least ten days before any such hearing or inquiring shall take place.

[Section XV.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the mayor, recorder, aldermen and common councilmen 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. And in order that a knowledge of the said laws, ordinances, regulations and constitutions may at all times be had and obtained:

[Section XVI.] (Section XVII, P. L.) 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:

And in order that the publications thereof may at all times be known and ascertained:

[Section XVII.] (Section XVIII, P. L.) 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.

[Section XVIII.] (Section XIX, P. L.) 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 goal 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 goal delivery, of or for any county within this commonwealth may or can do, in or for such county.

[Section XIX.] (Section XX, P. L.) 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 inquire of, hear, try and determine, agreeable to the laws and constitutions of this commonwealth, all larcenies, forgeries, perjuries, assaults and batteries, riots, routs and unlawful assemblies and all other offenses which have been committed or shall be committed within the said city 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 offenses or any of them been committed within any such county and to punish all persons who shall be convicted of the same offenses or any of them, agreeably to the laws of this commonwealth and also

to inquire of, hear, try and determine all offenses 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 the keeping of the peace, for being of good behavior 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 offenses or any of them except such as are or shall be by law made payable into the state treasury for offenses 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 goal delivery of and for any county within this commonwealth may or can do within any such county. And to the ends, 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," and for the inquiring, 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.

[Section XX.] (Section XXI, P. L.) 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 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 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:

And to the end and intent that such persons, indicted or outlawed for felonies or other offenses 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:

[Section XXI] (Section XXII, P. L.) 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.

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 offense or offenses therein lurking or being in secret or other places in the neighborhood thereof:

[Section XXII.] (Section XXIII, P. L.) 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 offense 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:

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:

[Section XXIII.] (Section XXIV, P. L.) Be it further enacted by the authority of the 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 to whom the same shall be directed and on whom service thereof shall be duly made, shall attend accord-

ingly 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:

And to the end and intent that the administration of justice within the said city in matters of a civil nature in and by this act made cognizable before the said aldermen or any of them may be free from extortion or undue oppression and also be as effectually as may be secured against errors happening therein:

[Section XXIV.] (Section XXV, P. L.) Be it further enacted by the authority aforesaid, That one other court shall be and is hereby established within the said city, by the name, style and title of "The Aldermen's Court," and shall consist of three of the aldermen of the said city for the time being (any two of whom shall be a quorum) to be chosen and appointed for that purpose by the mayor and recorder four times in each year or oftener if they shall think proper; which said "Aldermen's Court" shall meet on the forenoon of the Monday in each and every week and shall sit from day to day during so many days of each week and of so much of the said days as shall be necessary for the hearing and determining of all the matters and things in and by this act made cognizable therein and for carrying their judgments into full effect by executions and otherwise, and the said "Aldermen's Court" shall solely and exclusively have cognizance of and full power and authority to hear, try and determine in a summary way all such causes, matters and things within the said city as are by law cognizable before any one justice of the peace within this state where the debt or demand amounts to forty shillings and does not exceed ten pounds, in like manner and with the like powers and authorities and under and subject to the like regulations, restrictions and exceptions, and to the like relief for insolvent debtors and to the like means, process, execution and stay thereof and to the like appeal as in cases of debts or demands of forty shillings or upwards and not exceeding ten pounds before any one justice as aforesaid.

Provided nevertheless, That in all cases where the debt or

demand shall be above forty shillings and shall not exceed ten pounds application shall be made by the party to one of the said aldermen who shall for the time being constitute or be a member of the court hereby established by the name and title of [The] "Aldermen's Court." which said alderman so applied to is hereby authorized and empowered to issue forth under his hand and seal any warrant or warrants of summons, *capias* or attachments as the case may require, returnable into the same court and also such and so many subpoenas as may be needful and necessary, all of which shall be of the like force and effect and be obeyed in like manner and under the same pains and penalties with any warrants or subpoenas of a like nature issued by any justice of the peace within this commonwealth in any matter within the jurisdiction of any such justice.

[Section XXV.] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That the same and no greater or other fees shall be taxed, allowed or taken in or for any matter or thing in and by this act made cognizable in the said aldermen's court than the following ones, to wit, for every warrant of summons, *capias*, attachment or execution one shilling, and for every judgment one shilling, and such other fees and costs as are allowed and granted in and by an act of the general assembly of the late province of Pennsylvania entitled, "An act for regulating and establishing fees,"¹ in matters cognizable before any one justice of the peace.

[Section XXVI.] (Section XXVII, P. L.) 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 pro-

¹ Passed August 22, 1752, Chapter 398.

ceed 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.

(Section XXVIII, P. L.) 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 "Aldermen'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 hereinbefore directed, and for the like costs. And provided further, That before any such appeal shall be allowed or admitted by the said aldermen'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.

And in order to prevent the frequent clashing of jurisdictions and the mischiefs arising therefrom:

[Section XXVII.] (Section XXIX, P. L.) 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 of 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.

[Section XXVIII.] (Section XXX, P. L.) And be it further enacted by the authority aforesaid, 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 justices 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 and 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 anything 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.

[Section XXIX.] (Section XXXI, P. L.) And be it further enacted by the authority aforesaid, [That] all recognizances

which have been taken by any justice or justices of the peace for the appearance of any person or persons in or at the said city court, or before the justices or judges thereof and which have not been certified and returned into the said city court or to the justices or judges thereof, shall be returned and certified by the said justices respectively who have taken the same to the said mayor, recorder and aldermen at the next mayor's court, to be had and held in pursuance of this act. And that all persons who have been so as aforesaid bound by recognizance or by recognizances entered into in the said city court to appear at or in the said city court or before the justices or judges thereof, shall appear before the said mayor, recorder and aldermen, at the next mayor's court to be had and held in pursuance of this act and the same shall be a sufficient discharge of every such recognizance and also the recognizance or recognizances of his, her or their surety or sureties, shall be forfeited and sued for and recovered in such manner as the law directs.

[Section XXX.] (Section XXXII, P. L.) 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.

[Section XXXI.] (Section XXXII, P. L.) 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 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 and [sic] had been taken by them or any of them.

[Section XXXII.] (Section XXXIV, P. L.) 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 appoint[ment] 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 commisisoners 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.

, [Section XXXIII.] (Section XXXV, P. L.) 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 councilmen 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.

[Section XXXIV.] (Section XXXVI, P. L.) 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 councilmen 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 councilmen 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 councilmen in common council assembled are in and by this act authorized or empowered to make, ordain or establish.

[Section XXXV.] (Section XXXVII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the mayor or recorder, aldermen and common councilmen in common council assembled from time to time to permit and license 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.

[Section XXXVI.] (Section XXXVIII, P. L.) 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.

[Section XXXVII.] (Section XXXIX, P. L.) 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 councilmen in common council assembled 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.

[Section XXXVIII.] (Section XL, P. L.) 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, moneys and effects whatsoever and also all other lands, tenements and hereditaments, rights, franchises, liberties, privileges, goods, chattels, moneys 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 anywise 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:

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 councilmen and be by them and their successors faithfully applied to and for the use of the said citizens and their successors forever:

[Section XXXIX.] (Section XLI, P. L.) 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 councilmen together with all deeds, writings, evidences, books and papers touching and concerning the same with proper assignments where the same shall be nec-

essary 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.

[Section XL.] (Section XLII, P. L.) 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 councilmen shall be present.

[Section XLI.] (Section XLIII, P. L.) And be it further enacted by the authority aforesaid, That the said mayor, aldermen and common councilmen shall once in every year cause to be published a just and true account of all the moneys 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.

[Section XLII.] (Section XLIV, P. L.) And be it further enacted by the authority aforesaid, That as often as any doubts shall arise concerning this act the same shall in all courts of law and equity, and elsewhere be construed and taken most favorably for the said corporation.

Passed March 11, 1789. Recorded L. B. No. 3, p. 458. See the Acts of Assembly passed December 9, 1789, Chapter 1479; April 2, 1790, Chapter 1509; March 8, 1792, Chapter 1665; April 19, 1794, Chapter 1754; April 4, 1796, Chapter 1905; April 11, 1799, Chapter 2091; March 3, 1800, Chapter 2117.