

at the time and place of holding the [said] inquisition; and on the return of the said inquisition, if the several persons concerned in interest, and the guardians of such of them who are under age, shall refuse to take and pay for the lands at such valuation, it shall be in the power of the court, in case they approve of the said return of the appraisers, to order that sale be made of such lands, in manner aforesaid, and to make distribution of the produce of such sale to and amongst the several persons interested in the said lands, according to their several rights. Provided always, That every deed or conveyance made by any sheriff or sheriffs, by virtue of this act, shall be acknowledged in open court, and entered on the records thereof, and shall also be recorded, within six calendar months next after the execution thereof, in the county or counties where the said lands and tenements shall lie.

Passed April 11, 1799. Recorded L. B. No. 7, p. 10, etc.

CHAPTER MMXCI.

AN ACT TO SUPPLY CERTAIN DEFECTS IN THE ACTS INCORPORATING THE CITY OF PHILADELPHIA AND SUNDRY TOWNS AND BOROUGHES WITHIN THIS COMMONWEALTH, AND TO EXPLAIN AND AMEND AN ACT, ENTITLED, "AN ACT TO ALTER AND AMEND THE SEVERAL ACTS OF THE GENERAL ASSEMBLY OF THIS COMMONWEALTH, INCORPORATING THE CITY OF PHILADELPHIA,"¹ AND FOR OTHER PURPOSES.

Whereas the ordinances and by-laws of the city of Philadelphia, and of sundry other incorporated towns and boroughs within this commonwealth, impose, in certain cases, fines, penalties and forfeitures, which inure to the benefit of the said corporations, respectively, by reason whereof it has been held that none of the freemen of the said corporations are competent to prove the breach of the said ordinances and by-laws, and [the] accruing of such fines, forfeitures and penalties, or to hear, judge and determine respecting the same, inasmuch as the same would

operate a diminution of their share of contribution for supporting such corporation. And whereas it would be in all cases difficult, and in many instances impracticable, to prove such breaches by any other testimony, or to hear, judge and determine respecting the same, before any other than judges or jurors liable to such exception, and the interest of each individual in the application of such fines, forfeitures and penalties is too remote and inconsiderable to give an improper bias to his testimony, judgment or verdict respecting the same. Therefore, for furtherance of justice, and the due enforcement of wholesome regulations:

[Section I.] (Section I, P. L.) 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, from and after the passing of this act, no freeman of the city of Philadelphia, or of any other incorporated town or borough within this commonwealth, nor any other person, otherwise competent to give testimony respecting the breach of any ordinances, by-laws or regulations of the said city of Philadelphia, or any such other incorporated town or borough, shall be excluded from giving testimony respecting the same, by reason that the fine, forfeiture or penalty, imposed for such breach, is or may be appropriated in aid of the funds of such corporation, but every such person, otherwise competent, shall be admitted to give testimony, as fully as though he or she were not resident within the bounds, or a partaker in the interests of such city, town or borough. Provided, That nothing herein contained shall authorize any person or persons, who receive alms or any pension or gift, out of the funds, in aid of which any of the said fines, forfeitures or penalties are appropriated, to give testimony touching the breach of such ordinances or by-laws, and the accruing of such fines, forfeitures and penalties.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That no court, aldermen or burgesses, otherwise by the laws of this commonwealth qualified and authorized to hear, judge and determine respecting the breach of any such ordinances or by-laws, and the accruing of such fines,

forfeitures and penalties, shall be disqualified to hear, judge and determine the same, by reason of the interest they as members of such borough or corporation may have in the said fines, forfeitures and penalties, but shall shall [sic] have as full, perfect and complete jurisdiction respecting the same, as if no such fine, forfeiture or penalty were to be incurred, or they had no such interest in the same.

(Section III, P. L.) And whereas the freemen and citizens of the city of Philadelphia only are competent and compellable to serve in the courts of the said city, held by the mayor, recorder and aldermen, as justices of the peace, and justices of oyer and terminer and gaol delivery. Therefore:

[Section III.] Be it further enacted by the authority aforesaid, That in all prosecutions and proceedings before the said mayor, recorder and aldermen of the said city, for or respecting the breach of any ordinances, by-laws or regulations of the said city, the said freemen and citizens of the said city shall be competent to be jurymen on such prosecutions and proceedings, and the trials thereof, and no exception shall be allowed against the said freemen or citizens, either to the array or [the] polls, for or by reason that the same fine, forfeiture or penalty, imposed for such breach, is expressly or by implication forfeited to the said corporation, or is or may be appropriated in aid of the funds of the said city, or for the use thereof, in the same manner and under like rules and regulations as if the said fines, penalties and forfeitures had not been appropriated, and were not to accrue to the use of the corporation of the said city.

(Section IV, P. L.) And whereas doubts have arisen upon the construction of the act, entitled, "An act to alter and amend the several acts of the general assembly of this commonwealth, incorporating the city of Philadelphia,"² and it is necessary that the same be explained and amended.

[Section IV.] Be it further enacted by the authority aforesaid, That the mayor of the city of Philadelphia shall appoint all and every the officer and officers of the corporation, whose authorities and powers shall have been, or hereafter shall be, given

¹Passed April 4, 1796, Chapter 1905.

²See Ante.

or established by any resolution or ordinance by the select and common councils of the said city of Philadelphia, excepting only the treasurer of the corporation, and the clerks, messengers and door-keepers of the said councils, who shall be appointed as heretofore.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the select and common councils shall have all and singular the powers and authorities, rights and privileges, incident to the corporation, and to the well governing thereof, which were formerly vested in the mayor, aldermen and common council, by an act, entitled, "An act to incorporate the city of Philadelphia," passed the eleventh day of March, one thousand seven hundred and eighty-nine,³ which are not otherwise by law directed and provided for.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That whenever the office of mayor shall become vacant, by death, resignation or otherwise, it shall be lawful for the select and common councils of the city of Philadelphia, as soon as conveniently may be after such vacancy shall so happen, to assemble together and elect a mayor, in the manner directed by law in ordinary cases, and the mayor so chosen shall continue in office until the third Tuesday in October next succeeding such election, and no longer; and that in case of any vacancy happening by the death, resignation or otherwise, of any member of the select council, such vacancy shall be supplied at the next general election, and the person chosen shall serve the residue period of time, and in the class, of such person, whose vacancy he may be chosen to fill.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all the officers of the corporation, already appointed by the select and common councils, now in office, shall continue to exercise the powers and duties of their several offices, respectively, until the first day of January next, any irregularity in the appointment of such officers to the contrary in anywise notwithstanding.

³Chapter 1394.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That, from and after the passing of this act, the mayor and recorder of the city of Philadelphia, respectively, shall be, and they are severally hereby, empowered and authorized to take acknowledgments of deeds for lands or other real estate, in any part of this commonwealth; and for taking every such acknowledgment, either of the said officers so taking the same shall be entitled to receive thirty-seven cents and an half, and no more.

Passed April 11, 1799. Recorded L. B. No. 7, p. 15, etc.

CHAPTER MMXCII.

AN ACT TO EXTEND, FOR A LIMITED TIME, AN ACT, ENTITLED, "A FURTHER SUPPLEMENT TO THE ACT, ENTITLED, 'AN ACT FOR MAKING AN ARTIFICIAL ROAD FROM THE CITY OF PHILADELPHIA TO THE BOROUGH OF LANCASTER, AND FOR OTHER PURPOSES'"¹

[Section I.] (Section I, P. L.) 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 act, entitled, "A further supplement to the act, entitled, 'An act for making an artificial road from the city of Philadelphia to the borough of Lancaster,'" passed the fourth day of April, in the year of our Lord one thousand seven hundred and ninety-eight,¹ which, by its own limitation, was to continue in force during the term of two years, and no longer, be, and the same is hereby, declared to be continued in force for seven years from the passing of this act, and from thence to the next session of the general assembly, and no longer.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said turnpike road, for the time being, shall and may, and

¹Chapter 2008.