

imported,"² herein before recited, and the supplement to the same, passed the twenty-fifth day of September, one thousand seven hundred and eighty-three, and of the act, entitled "An act for raising a further impost or duty on all goods, wares or merchandise imported into this state,"² as are altered or supplied by this act, be and the same are hereby severally so far repealed and made void.

Passed April 2, 1785. Recorded L. B. No. 2, p. 496, etc. See the Act of Assembly passed March 15, 1787, Chapter 1276.

CHAPTER MCLVIII.

AN ACT TO DECLARE AND ESTABLISH THE RIGHT OF THE EXECUTIVE COUNCIL OF THIS COMMONWEALTH TO APPOINT ALL OFFICERS, CIVIL AND MILITARY, EXCEPT IN CASES RESERVED BY THE CONSTITUTION TO THE GENERAL ASSEMBLY, AND TO THE PEOPLE; AND TO REPEAL THE LAWS WHEREBY CERTAIN OFFICERS HAVE BEEN APPOINTED CONTRARY THERETO, AND TO SECURE THE INDEPENDENCY OF THE COMPTROLLER-GENERAL BY A COMMISSION FOR SEVEN YEARS AND A PERMANENT SALARY, UPON CONDITION OF HIS GOOD BEHAVIOR ONLY.

(Section I, P. L.) Whereas by the constitution of this commonwealth it is directed and established, that the president, and in his absence the vice-president with the executive council, shall have power to appoint and commissionate, judges, naval officers, judge of the admiralty, attorney-general, and all other officers, civil and military, and that the said appointments, severally should be made agreeably to the frame of government, and the laws which should be thereafter made, saving and excepting such officers, as the constitution reserves to the choice of the general assembly, or the people:

And whereas the due and orderly distribution and exercise of the powers of government, as the same have been devolved by the people to their trustees in the legislative, executive and

¹ Passed December 23, 1780, Chapter 925.

² Passed March 15, 1784, Chapter 1076.

judicial departments of the state, is of great importance to the liberty and happiness of the community, and every encroachment made by any of these departments on the rights and privileges of the other, has a manifest tendency to disorder and anarchy on the one hand, or to dangerous accumulations of power on the other:

And whereas the council of censors have declared it to be their opinion, that the appointment of revenue, and all other officers not expressly assigned to the house of assembly or to the people by the constitution, which has been exercised by the general assembly, is a deviation from the constitution:

Therefore:

[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 choice of the speaker of the house, clerks and other officers and servants of the same, proper and befitting to the general assembly as a legislative body, the delegates to represent this state in congress, the treasurers of the state, registers of wills and for granting letters of administration, and the recorders of deeds, trustees of the loan office and a concurrency of votes, with the members of the supreme executive council, in the election of president and vice-president of council, as mentioned in the constitution of this state, are and shall be carefully reserved to the general assembly for the time being, and that all other officers necessary to the execution of the laws of this commonwealth (such as are specially reserved to the choice of the people, or plainly directed by the constitution, to be otherwise chosen and appointed, only excepted) shall be deemed and taken to be and the same are accordingly by this act, declared to be in the nomination and appointment of the executive council, subject however to the times, and manner of holding the same, which the constitution and laws do or shall prescribe.

(Section III, P. L.) And whereas divers officers of this commonwealth do hold their respective offices by having their names inserted in the body of the acts of assembly, whereby the same officers have been constituted, or by virtue of other

acts of assembly concerning the same, and the said acts have been enacted in derogation of the rights of the executive council, and the manner in which the said persons do hold their said offices is deemed improper:

[Section II.] (Section IV, P. L.) Be it therefore enacted by the authority aforesaid, That the act of assembly, entitled "An act for methodizing the department of accounts of this commonwealth, and for the more effectual settlement of the same,"¹ enacted on the thirteenth day of April, one thousand seven hundred and eighty-two, so far as the same act appoints John Nicholson to that office and so far as the same act limits the salary of the comptroller-general of this commonwealth to the sum of five hundred pounds per annum, and that the act of assembly, entitled "An act to revive and continue in force the acts of assembly regulating sales by auction, and for other purposes therein mentioned,"² enacted on the ninth day of December, one thousand seven hundred and eighty-three, so far as it authorized the then house of assembly to appoint the several auctioneers of the city of Philadelphia and of the Northern Liberties of the said city and of the district of Southwark in the county of Philadelphia; and that the act of assembly, entitled "An act for the further regulation of the port of Philadelphia, and enlarging the power of the wardens thereof,"³ so far as the same act nominates and appoints Francis Gurney, John Donaldson, Samuel Caldwell, Thomas Prior, George Ord, Nathaniel Falconer and John Hazelwood, wardens of the said port, and Jacob S. Howell, to be collector of the duties and sums of money which may be due and payable for the tonnage on all ships and vessels which may be chargeable therewith; and that the act of assembly, entitled "An act for raising a further impost or duty on all goods, wares and merchandise, imported into this state,"⁴ enacted on the fifteenth day of March, one thousand seven hundred and eighty-four, so far as the same act appointed Charp Delaney, esquire, collector of the same impost or duty, and all

¹ Passed April 13, 1782, Chapter 970.

² Passed December 9, 1783, Chapter 1063.

³ Passed April 1, 1784, Chapter 1095.

⁴ Passed March 15, 1784, Chapter 1076.

other acts of assembly which derogate from the rights and privileges of the supreme executive council, declared as aforesaid in nominating and appointing to offices, as far as they derogate therefrom, and no further, shall be, and the same are hereby repealed, annulled and made void.

(Section V, P. L.) And whereas it is highly proper that the office of comptroller-general should be rendered so far independent as to enable the person holding the same to execute his trust and duties with vigor and integrity:

[Section III.] (Section IV, P. L.) [sic] Be it therefore enacted by the authority aforesaid, That the comptroller-general of this state shall hereafter be commissioned by the executive council for and during the term of seven years, upon condition that he behave himself well in his said office and that the salary of the said comptroller-general shall be eight hundred pounds per annum, and that he be further allowed a sum not exceeding two hundred pounds per annum for the hire of a clerk or clerks, payable to him quarterly in equal proportions, by orders drawn by the president or vice-president in council, on the treasure of this state, out of any of the unappropriated money of this commonwealth.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the president or vice-president and the supreme executive council be and they are hereby authorized and empowered to proceed as soon as may be to appoint and commissionate all and every such public officer and officers as may be necessary to fill the offices deemed to be vacated by this act, as they may or ought to appoint and commissionate by virtue of the constitution of this commonwealth, or of this act, any law, usage or custom to the contrary notwithstanding.

[Section V.] (Section VIII, P. L.) Provided always and it is hereby further enacted and declared, that the several officers whose appointments depend on any act or acts herein declared to be repealed, either in the whole or in part, or whose appointment may respectively be vacated, or in anywise altered or affected, by virtue of this act, shall nevertheless continue to exercise their said offices respectively in such manner, and with such powers, as they severally would or might have done if

this act had not been made, until such appointments as aforesaid shall respectively take place: Provided nevertheless, That such appointments be made within two months from and after the passing of this act.

Passed April 4, 1785. Recorded L. B. No. 2, p. 512.

CHAPTER MCLIX.

AN ACT FOR ERECTING AND OPENING A LOAN OFFICE FOR THE SUM OF FIFTY THOUSAND POUNDS.

(Section I, P. L.) Whereas the inhabitants of this commonwealth have for a considerable time, labored, and yet do labor under great difficulties for want of a sufficient circulating medium of commerce, whereby agriculture, population and improvement are much obstructed, and many people [are] reduced to great distress:

(Section II, P. L.) And whereas by the happy termination of the late war the people of this state are in quiet possession of very extensive and valuable tracts of land, which require cultivation and improvement; and it is conceived that the institution of a loan office upon just and proper principles would greatly tend to promote and establish the interests of internal commerce, agriculture and mechanic arts, and the welfare of the people in general, within this state:

(Section III, P. L.) And whereas the sum of fifty thousand pounds of the bills of credit directed to be made and prepared by an act, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States, and for funding and paying the interest of the public debts of this state;"¹ are by the said act set apart, and appropriated for the purpose of erecting and establishing a loan office as the legislature should thereafter direct:

¹ Passed March 16, 1785, Chapter 1137.