

therein mentioned,"² and every clause, matter and thing therein contained shall be and the same hereby is from thenceforth repealed, annulled and made utterly void and of none effect.

[Section III.] (Section IV. P.L.) Provided always and be it enacted by the authority aforesaid, That all and every act and acts, matter and thing acted, done and performed under and by virtue of the said acts, before the time of enacting this act, or which shall or may be acted, done and performed under and by virtue of the said act herein last recited, before the said first day of March next, shall be, and the same hereby, is ratified, confirmed and declared to be valid and sufficient, and that the several actings and doings aforesaid, shall be held and deemed sufficient, and the said president, directors and company, shall be liable to any suit or suits therefor and any other person or persons shall be liable to be sued by the said president, directors and company for any notes or obligations to them given within the time herein before limited.

Passed September 13, 1785. Recorded L. B. No. 3, p. 21.

CHAPTER MCLXXIX.

AN ACT FOR DECLARING THE ACTS OF ASSEMBLY WHICH GIVE THE AUTHORITY OF JUSTICE OF THE PEACE TO THE CHIEF BURGESS OF THE BOROUGH OF LANCASTER AND TO THE BURGESSES OF THE BOROUGH OF CARLISLE AND READING, TO BE SO FAR CONTRARY TO THE CONSTITUTION; AND TO REPEAL THE SAME ACTS SO FAR AS THEY CONTRADICT THE CONSTITUTION.

(Section I. P.L.) Whereas it is directed and established by the thirtieth section of the frame of government, being the second chapter of the constitution of this commonwealth, that "Justice of the peace shall be elected by the freeholders of each city and county respectively; that is to say, two or more persons may be chosen for each ward, township and district as the law hereafter shall direct, and their names shall be returned to the president and council, who shall commissionate

² Chapter 960.

one or more of them for each ward, district and township so returning for seven years, removeable for misconduct by the general assembly; but if any city, county, ward, township or district in this commonwealth, shall hereafter incline to change the manner of appointing their justices of the peace as settled in this article, the general assembly may make laws to regulate the same, agreeable to a majority of the freeholders of the city, county, ward, township or district, so applying."

(Section II. P.L.) And whereas from the words of the constitution above recited it is manifest that no justice of the peace can be regularly appointed within this state otherwise than on the election of the freeholders of the district, unless the said freeholders or a majority of the same freeholders shall desire and apply for another manner to be established by the general assembly; and although the manner of appointing justices of the peace be alterable as aforesaid, yet the term for which the said justices are severally to hold their respective offices are [sic] [is]* fixed, and may not be shortened or extended:

(Section III. P.L.) And whereas, notwithstanding the express words of the constitution above recited, an act of assembly, entitled "An act directing the modes and times of electing justices of the peace of the city of Philadelphia and the several and respective counties of this commonwealth and for other purposes therein mentioned,"¹ was enacted on the fifth day of February in the year of our Lord one thousand seven hundred and seventy-seven, whereby the inhabitants of Chester, Bristol and Lancaster were authorized and empowered to exercise the right of electing burgesses, constables, and other their officers, as by their respective charter had been formerly granted to them:

And whereas, by the charter of Chester, the chief burgess thereof was a justice of the peace throughout the county of Chester, and it was further enacted by the act last recited that the burgesses of Bristol and of Lancaster should be justices of the peace for the counties of Bucks and Lancaster respectively, and that the same burgesses should have equal power with the other justices of the peace for such county.

¹ Chapter 739.

And whereas the same was not done upon the desire nor application of the majority of the freeholders of the same places respectively, authorizing such departure from the constitution.

And whereas the same act was repealed on the first day of April in the year of our Lord one thousand seven hundred and eighty-four by an act of General Assembly, entitled "An act to remedy the defects of the several acts of assembly heretofore made, for regulating the election of justices of the peace throughout this state and to establish a permanent mode for holding such elections and to authorize the justices of the peace of the city of Philadelphia to hold the court of record of the same city,"² by which repeal the powers and authorities so given as aforesaid by the act first herein before recited became null and void.

(Section IV. P.L.) And whereas in and by another act of general assembly, entitled "An act to re-establish the ancient corporation of the burgesses and inhabitants of the borough of Lancaster in the county of Lancaster,"³ passed on the nineteenth day of June which was in the year of our Lord one thousand seven hundred and seventy-seven, the chief burgess of the said borough is supposed to be and is considered as one of the justices of the peace in and for the county of Lancaster.

(Section V. P.L.) And whereas by two other acts of general assembly passed in the years of our Lord one thousand seven hundred and eighty-two and one thousand seven hundred and eighty-three for incorporating the towns of Carlisle in the county of Cumberland⁴ and Reading in the county of Berks,⁵ the burgesses of Carlisle and Reading respectively are by the acts last aforesaid enabled to keep the peace and to act and proceed as justices of the peace as fully as the justices of the proper county may or can lawfully do; and although the general assembly be authorized by the ninth section of the frame of government to grant incorporations and to constitute towns, boroughs, cities and counties, yet the same authority

² Chapter 1093.

³ Chapter 759.

⁴ Chapter 969.

⁵ Chapter 1081.

must be exercised consistently with the other parts of the constitution.

And whereas the said burgesses of Lancaster, Carlisle and Reading do hold their offices for one year only, and it would greatly deprave the office of justice of the peace if elective magistrates of such short continuance in office were permitted to exercise the important powers, authorities and jurisdictions to the office of a justice of the peace belonging:

Wherefore:

[Section I.] (Section VI. 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 acts of general assembly aforesaid and every of them so far as they declare that the chief burgess of Lancaster and the burgesses of Carlisle and Reading to be justices of the peace [so far as they enable the said burgesses to act as justices of the] peace (the same being contrary to the spirit of the constitution of this commonwealth) shall be and the same are hereby repealed, annulled and made void.

(Section VII. P. L.) And whereas in and by the act aforesaid for re-establishing the corporation of the burgesses and inhabitants of the borough of Lancaster, the president or vice president of the supreme executive council alone was enabled to nominate and appoint the burgesses and other officers of the said corporation in case the inhabitants thereof should fail to hold their annual elections and choose their said officers, and the same authority is contrary to the twentieth section of the frame of government which has assigned to the president or vice-president with the council the power of supplying every vacancy in any office:

Therefore:

[Section II.] (Section VIII. P. L.) Be it further enacted by the authority aforesaid, That all vacancies which shall happen as aforesaid in the corporation of Lancaster shall be supplied by the president or vice-president with the council accordingly as the constitution has directed and not otherwise.