

office for which compensation is provided, under the laws and Constitution of the Commonwealth, excepting an office or commission in the militia of the Commonwealth during his continuance in office.

Section 11. *Specific Repeals.*—The following acts and parts of acts and all amendments thereto are repealed to the extent specified:

(1) The act of March 22, 1907 (P. L. 31), entitled "An act to provide for the assignment of counsel in murder cases, and for the allowance of expenses and compensation in such cases," absolutely as to all counties except the County of Philadelphia.

(2) Subdivision (p) of Article XXI, act of July 28, 1953 (P. L. 723), known as the "Second Class County Code," absolutely.

(3) Subdivision (r) of Article XIX, act of August 9, 1955 (P. L. 323), known as "The County Code," absolutely.

(4) The act of November 16, 1959 (P. L. 1505), entitled "An act to provide for the assignment of counsel in criminal cases in certain counties and for the allowance of compensation in such cases," absolutely.

Section 12. *Other Repeals.*—All acts and parts of acts, local, general or special are hereby repealed in so far as they are inconsistent herewith.

Section 13. *Effective Date.*—This act shall take effect January 1, 1969.

APPROVED—the 2d day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 359

AN ACT

SB 1791

Implementing the provision of subsection (b) of section 7 of Article V of the Constitution of Pennsylvania authorizing the General Assembly to establish classes of magisterial districts and salaries of district justices of the peace for counties of the second class.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. *Short Title.*—This act shall be known and may be cited as the "Magisterial Districts Act for Counties of the Second Class."

Section 2. *Definitions.*—As used in this act:

(1) "Court" means the Supreme Court of Pennsylvania or the court of common pleas for the fifth judicial district under the direction of the Supreme Court of Pennsylvania.

(2) "Political subdivision" means a city of the second class, city of the third class, borough, incorporated town, township of the first class, township of the second class or any similar general purpose unit of government hereafter created by the General Assembly.

(3) "Population" means the number of persons residing within a political subdivision or part thereof as determined by the then current Federal decennial or Federal special census.

(4) "Population density" means the number of persons residing within a political subdivision or part thereof as determined by dividing said number by the land area expressed in square miles as determined in the official publication by the Bureau of Statistics Department of Commerce.

(5) "District justice" means a justice of the peace elected or appointed to a term of office commencing on or after January 1, 1970.

Section 3. Magisterial Districts; Establishment.—(a) The court shall establish the number and boundaries of magisterial districts of the classes determined as hereinafter provided by January 1, 1969 and these magisterial districts, unless a community court has been adopted, shall come into existence on January 1, 1970. The district justices thereof shall be elected at the municipal election in 1969.

(b) The court in establishing the number and boundaries of magisterial districts shall not subdivide political subdivisions, excepting only (i) those which contain two or more noncontiguous parts and (ii) in the case of political subdivisions containing within its boundaries two or more magisterial districts, in which case wards or other election districts of the political subdivisions shall not be subdivided.

Section 4. Magisterial Districts; Classes.—(a) The classes of magisterial districts shall be determined as follows:

(1) Magisterial districts of the first class shall have a population density of more than five thousand persons per square mile and a population of not less than sixty-five thousand persons.

(2) Magisterial districts of the second class shall have a population density of more than five hundred persons per square mile and a population of between twenty-two thousand five hundred and sixty-five thousand persons.

(3) Magisterial districts of the third class shall have a population density of more than two hundred persons per square mile and a population of between twelve thousand persons and twenty-two thousand five hundred persons.

(4) Magisterial districts of the fourth class shall have a population density of more than seventy persons per square mile and a population of between seven thousand five hundred persons and twelve thousand persons.

(5) Magisterial districts of the fifth class shall have a population density per square mile of under seventy persons and a population of between four thousand persons and seven thousand five hundred persons.

(b) In the case of a political subdivision containing within its boundaries two or more magisterial districts, the court shall divide

said political subdivision into magisterial districts as nearly equal as possible in population and area, and the court may presume that the population density of each part of a political subdivision is the same population density as for the whole political subdivision.

Section 5. Salaries.—(a) A district justice shall receive an annual salary paid by the Commonwealth and computed by adding to three thousand dollars (\$3,000) the product of the population of his magisterial district times forty cents (40c), but in no event shall the salary exceed fourteen thousand dollars (\$14,000).

(b) The court shall certify to the State Treasurer the number of persons residing within each magisterial district in the Commonwealth. For determining population for salary purposes only, it may consider any population figures or estimates made by any Federal, State or local agency.

Section 6. Offices.—The district justice shall establish an office or offices within the magisterial district in locations approved by the president judge of the court of common pleas in compliance with standards and rules prescribed by the Supreme Court.

Reasonable costs and expenses incident to the establishment, maintenance and operation of offices of district justices as approved by the president judge of the court of common pleas and the county commissioners in compliance with standards and rules prescribed by the Supreme Court shall be paid by the county in which the offices are located.

Section 7. Costs; Disposition.—All costs collected by a district justice shall be paid monthly to the county in which his magisterial district is located, and such costs shall be retained by the county for its use.

Section 8. Effective Date.—This act shall take effect January 1, 1969.

APPROVED—The 2d day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 360

AN ACT

HB 2841

Amending the act of July 20, 1968 (P. L. 560), entitled "An act implementing the provisions of clause (4) of subsection (a) of section 7 of Article VIII of the Constitution of Pennsylvania by providing for the capital budget for the fiscal year 1968-1969 as required therein," removing inconsistent language.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: