

CHAPTER MXCVII.

1784.

An ACT for erecting part of the county of Philadelphia into a separate county.

SECT. I. WHEREAS a great number of the inhabitants of the county of Philadelphia, by their petition, have humbly represented to the Assembly of this state the great inconvenience they labour under, by reason of their distance from the seat of judicature in the said county: For remedy whereof,

SECT. II. *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 all and singular the lands lying within that part of Philadelphia county, bounded as herein after described, beginning on the line of Byberry township, and the township of the manor of Moreland, where it intersects the line of Bucks county, thence westward along the northern lines of Byberry, Lower Dublin, and Oxford townships, to the line dividing the townships of Cheltenham and Bristol; and thence along the said line dividing Germantown township from the township of Springfield; and thence along said line, to the line dividing the township of Springfield aforesaid from the township of Roxbury, to the river Schuylkill; thence down the said river, to the line dividing the townships of Blockley and Lower Merion; and thence along said line, to the line of the county of Chester; thence by the line of Chester county to the line of Berks county; thence by the line of Berks county, to the line of Northampton county; thence by part of the line of Northampton county, and the line of Bucks county; thence along the said line of Bucks county, to the place of beginning; be, and hereby are, erected into a county, named, and hereafter to be called, "Montgomery County."

Boundaries described.

SECT. III. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Montgomery shall, at all times hereafter, have and enjoy all and singular the jurisdictions, powers, rights, liberties and privileges, whatsoever, which the inhabitants of any other county in this state do, may, or ought to enjoy, by any charter of privileges, or the laws of this state, or by any other ways and means whatsoever.

Privileges declared.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the inhabitants of each township or district within the said county, qualified by law to elect, shall meet at some convenient place within their respective townships or districts, at the same time the inhabitants of the several townships of the other counties within this state shall meet for like purposes, and choose inspectors, and at the time appointed by law, the freemen of said county of Montgomery shall meet at the house of Hannah Thomson, innkeeper, in the township of Norriton, and there elect Representatives, and the freemen of the county of Philadelphia shall meet at the state-house, in the city of Philadelphia, and there elect Representatives, to serve them in Assembly, [one Counsellor,] two fit persons for Sheriffs, two fit persons for Coronors, and three Commissioners, in the same manner, and under the same rules, regulations and penalties, as by the constitution and laws of this state are directed in respect to other

Time and place for holding elections for Representatives.

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counties, which Representatives, so chosen, shall be members of the General Assembly of the commonwealth of Pennsylvania, and shall sit and act as such, as fully and as freely as any of the other Representatives of this state do, may, can, or ought to do; [and the said Counsellor, when so chosen, shall sit and act, as fully and as freely as any of the other members of the Supreme Executive Council of this state do, may, can, or ought to do.]

Proportion
of Represent-
atives.
[Supplied.]

[SECT. v. *And be it further enacted by the authority aforesaid,* That the county of Montgomery shall, until otherwise altered by the legislature of the state, be represented in the General Assembly by four members, and the county of Philadelphia shall be represented in the General Assembly by five members.]

Justices of
the Supreme
Court to
have like
powers.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the Justices of the Supreme Court of this state shall have like powers, jurisdictions and authorities, within the said county of Montgomery, as by law they are vested with and entitled unto in the other counties within this state; and are, hereby, authorized and empowered, from time to time, to deliver the gaol of the said county of capital or other offenders, in like manner as they are authorized to do in other counties of this state.

Commission-
ers to pur-
chase land
for county
buildings.

SECT. X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for Henry Pawling, jun. Jonathan Roberts, George Smith, Robert Shannon, and Henry Cunnard, of Whitpain township, all of the aforesaid county, yeomen, or any three of them, to purchase and take assurance to them, and their heirs, in the name of the commonwealth, of a piece of land, situated in some convenient place in the neighbourhood of Stoney-run, contiguous to the river Schuylkill, in Norriton township, in trust and for the use of the inhabitants of the said county, and thereon to erect and build a court-house and prison, sufficient to accommodate the public service of the said county.

Made of de-
fraying the
expense of
county build-
ings.

SECT. XI. *And be it further enacted by the authority aforesaid,* That such part of the money as shall arise from the sale of the old prison and work-house, and lot of ground thereunto belonging, in the city of Philadelphia, as directed by an act of General Assembly of this commonwealth to be sold for the use of the city and county aforesaid, be apportioned for the defraying the charges of purchasing the land, building and erecting the court-house and prison aforesaid, in the ratio or proportion of taxes as paid between the said county of Montgomery, and the county of Philadelphia, and this city; but in case the same should not be sufficient, it shall and may be lawful to and for the commissioners and assessors of the said county, or a majority of them, to assess and levy, and they are hereby required to assess and levy, in the same manner as is directed by the act for raising county rates and levies, so much money as the said trustees, or any three of them, shall judge necessary, for purchasing the said land, and finishing the said court-house and prison.

[The old
gaol directed
to be sold,
&c. April
8th. 1783,
chap. 1154.]

Proviso.

SECT. XII. *Provided always,* That the sum of money so to be raised does not exceed three thousand pounds, current money of this state.

Proviso.

SECT. XIII. *Provided also, and be it further enacted by the authority aforesaid,* That no action or suit, now commenced or depend-

ing in the county of Philadelphia, against any person living within the bounds of the said county of Montgomery, shall be stayed or discontinued, but that the same action or actions, already commenced or depending, may be prosecuted, and judgment thereupon rendered, as if this act had not been made: And that it shall and may be lawful for the Justices of the county of Philadelphia, to issue any judicial process, to be directed to the Sheriff or Coroner of Philadelphia county, for carrying on and obtaining the effect of the aforesaid suits, which Sheriff and Coroner shall, and are hereby obliged to yield obedience in executing the said writs, and make due return thereof before the Justices of the said court for the said county of Philadelphia, as if the parties were living and residing within the same.

SECT. XXI. And whereas it is represented, by petition to the General Assembly, that, by the lines herein before mentioned, a long narrow neck or point of land, being part of the Manor of Moreland, and lying between the townships of Byberry and Lower Dublin, in the county of Philadelphia, would be included in the county of Montgomery, to the great inconvenience and injury of the inhabitants of the said neck of land, who have prayed that they may remain within the county of Philadelphia:

SECT. XXII. *Be it therefore enacted by the authority aforesaid,* That the boundary lines of the said county of Montgomery shall be as follow: that is to say, beginning in the line of Bucks county, where the same is intersected by the line which divides the townships of Byberry and the Manor of Moreland; thence southwesterly, along the last mentioned line, to the first corner or turning thereof; and thence on the same southwesterly course, to the line of Lower Dublin; and thence westwardly, along the northern line of Lower Dublin, and so on, as the lines of the said county of Montgomery are herein before described, to the place of beginning; any thing herein before contained to the contrary in any wise notwithstanding.

Boundary lines ascertained

Passed 10th September, 1784.—Recorded in Law Book No. II. page 359. (d)

(d) The sections omitted, are obsolete—as sect. 6. Taxes already assessed to be paid to the treasurer of Philadelphia county. 8, 9. For the election of justices of the peace, and courts to be held by them, which are repealed by the existing constitution. 14, 15, 16. The powers and duties of the collector of excise, (repealed.) 17. Sheriff of Philadelphia to act until a sheriff should be elected for the new county. 18, 19. Commissioners appointed to run the boundary lines. 20. Sheriff and treasurer to give security, (supplied.)

The county of Montgomery divided into five election districts, by act of March 31st, 1787, (chap. 1934)

The fifth district divided, and the sixth district erected April 8th, 1799, (chap. 2050.)

The seventh and eighth districts established January 19th, 1802, (chap. 2210.)

The ninth district erected March 31st, 1806, (chap. 2715, sect. 11,) and Franconia township annexed to the

fourth district, ib. sect. 12—afterwards to the eighth district, April 4th, 1809.

The sixth district divided April 11th, 1807, (chap. 2856, sect. 31.)

By the last enumeration, the county of Montgomery contains five thousand six hundred and twenty-six taxables; and by the act apportioning the representation in pursuance thereof, passed March 21st, 1808, (chap. 2931,) sends four members to the house of representatives, and one member to the senate.

The counties of Delaware, Chester, Bucks and Montgomery, compose the seventh judicial district by the act of Feb'y 24th, 1806, (chap. 2634,) the term continues two weeks. The courts in Montgomery, are held on the 4th Mondays after the 3d Mondays in January, April, July and October.

This county is part of the eastern district of the supreme court.

For other matters relating to this county see title "Montgomery county," in the General Index.