

CHAPTER MCCCXXX.

1789.

An ACT to repeal certain parts of an act, entitled "An Act for incorporating the Presbyterian congregation of New-London, in the county of Chester." [Original act, ante. p. 409, chap. 1278.]

Passed 24th September, 1789.—Private Act.—Recorded in Law Book No. III. page 545.

CHAPTER MCCCXXXII.

An ACT for dividing the county of Chester, and to erect part thereof into a separate county.

SECT. I. WHEREAS the inhabitants of the borough of Chester and the south-eastern parts of the county of Chester, have by their petitions, set forth to the General Assembly of this state, that they labour under many and great inconveniences, from the seat of justice being removed to a great distance from them, and have prayed that they may be relieved from the said inconveniences by erecting the said borough and south-eastern parts of the said county into a separate county: And as it appears but just and reasonable that they should be relieved in the premises,

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 that part of Chester county, lying within the bounds and limits hereinafter described, shall be, and the same is hereby, erected into a separate county, that is to say: Beginning in the middle of Bradywine river, where the same crosses the circular line of Newcastle county, thence up the middle of the said river to the line dividing the lands of Elizabeth Chads and Caleb Brinton, at or near the ford, commonly called or known by the name of Chad's ford, and from thence, on a line as nearly straight as may be, so as not to split or divide plantations, to the great road leading from Goshen to Chester, where the Westown line intersects or crosses the said road, and from thence along the lines of Edgemont, Newtown and Radnor, so as to include those townships, to the line of Montgomery county, and along the same and Philadelphia county line to the river Delaware, and down the same to the circular line aforesaid, and along the same to the place of beginning, to be henceforth known and called by the name of "Delaware County." The county of Delaware erected. Its boundaries.

SECT. III. And be it further enacted by the authority aforesaid, That all that part of the township of Birmingham, which, by the line of division aforesaid, shall fall within the county of Chester, shall be one township, and retain the name of Birmingham; and all that part of the said township, which, by the division line aforesaid, shall fall within the county of Delaware, shall be one township, and shall retain the name of Birmingham; and that all such part of the township of Thornbury, which, by the division line aforesaid, shall fall within the county of Chester, shall be one township, and shall retain the name of Thornbury; and that all such part of the same Townships divided by running the line, how to be called.

1789.

township, which, by the line of division aforesaid, shall fall within the county of Delaware, shall be one township, and shall retain the name of Thornbury; until the same shall be altered by the courts of General Quarter Sessions of the peace for the said counties respectively.

Rights and privileges of the new county.

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

Of the election in the new county.

SECT. V. *And be it further enacted by the authority aforesaid,* That the elections for the said county of Delaware shall be held at the old court-house, in the borough of Chester, where the freemen of the said county shall elect, at the times and under the regulations directed by the constitution and laws of this state, [a Councillor,] Representatives to serve them in General Assembly, [Censors,] Sheriffs, Coroners, and Commissioners, which said officers, when duly elected and qualified, shall have and enjoy all and singular such powers, authorities and privileges, with respect to their county, as such officers elected in and for any other county may, can, or ought to have, and the said elections shall be conducted in the same manner and form, and agreeably to the same rules and regulations, as now are or hereafter may be in force in the other counties of this state.

[Obsolete.]

[*Provided always,* That nothing herein contained shall authorize or empower the electors of the county of Delaware to elect or choose a Councillor for the same county, until the term for which the present Councillor for Chester county was elected shall by law expire, or until his death, resignation, or removal from office.]

Apportionment of representation between Chester and Delaware counties.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the freemen of the said county of Delaware shall, at all future general elections, elect two Members, and the freemen of the county of Chester, at all future general elections, shall elect four Members, to represent them, respectively, in the General Assembly of this commonwealth, until the same shall be altered agreeable to the constitution and laws of this state.

Jurisdiction of the Supreme Court, &c. extended to the new county.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the Justices of the Supreme Court and of the courts of Oyer and Terminer and General Gaol Delivery of this state shall have like powers, jurisdictions and authorities, in the said county of Delaware, as in the other counties or this state, and they are hereby authorized and empowered to deliver the gaols of the said county of Delaware of capital and other offenders, in like manner as they are authorized to do in other counties of this state.

Of the courts of Common Pleas and Quarter Sessions.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the Justices of the courts of Quarter Sessions and Common Pleas, now commissioned within the limits of the county of Delaware, and those that may hereafter be commissioned, or any three of them, shall and may hold Courts of General Quarter Sessions of the Peace and Gaol Delivery, and county courts of Common Pleas, for the said county of Delaware, and shall have all and singular such powers, rights, jurisdictions and authorities, to all intents and pur-

poses, as other Justices of the courts of General Quarter Sessions, and Justices of the county courts of Common Pleas, in the other counties of this state, may, can, or ought to have in their respective counties; which said courts of Common Pleas shall open, commence and be held for the said county of Delaware, at the court-house in the said borough of Chester, [on the second Tuesday in the months of November, February, May and August,] in each year, for the despatch of public business; and the said courts of General Quarter Sessions of the peace shall open, commence and be held at the same place, and for the same county, on the Mondays next preceding the second Tuesday in each of the said months yearly.

SECT. IX. And whereas it is represented to this Assembly by the petitioners, that they have contracted and agreed with the present owner of the old court-house, prison, and workhouse, in the said borough of Chester, for the purchase thereof, at a price far beneath what such buildings could be erected for, which they are willing and desirous should be conveyed for the use of the county, on repayment of the sum agreed upon: *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful to and for Henry Hale Graham, Richard Reilly, Josiah Lewis, Edward Jones and Benjamin Brannan, or any three of them, to take conveyances and assurances to them, and their heirs, of the said old court-house, and of the prison and work-house, in the said borough of Chester, with the lots of ground thereunto belonging, in trust and for the use of the inhabitants of the said county of Delaware, to accommodate the public service of the said county.

Trustees
for county
buildings.

SECT. XII. *And be it further enacted by the authority aforesaid,* That the Sheriff, Coroner and public officers of the county of Chester, other than the Justices of the peace, Oyer and Terminer, Gaol Delivery, and of the court of Common Pleas, shall continue to exercise the duties of their respective offices within the county of Delaware, until similar officers shall be appointed, agreeably to law, within the said county of Delaware; and that all arrearages of excise and public taxes shall be paid into the hands of the present collectors, to be by them accounted for, in manner and form, as if this act had never been passed: *Provided nevertheless,* That the commissioners of Chester county shall ascertain all the just debts due by the said county before the passing of this act, and deliver a true and certified account thereof to the before mentioned Trustees of Delaware county, within three months after the passing of this act; and if the taxes assessed and laid in Chester county, before the passing of this act, for county uses, shall be more than sufficient to pay all the just debts due of the said county, when the said taxes shall be collected and paid to the Treasurer of Chester county, he, the said Treasurer shall pay unto the said Trustees of Delaware county their full proportion or part of such overplus money, agreeably to the taxes the said two counties have respectively paid, the same to be ascertained by the commissioners of Chester county, and also that the said county of Delaware shall be liable and accountable for its due and proper proportion of all public taxes due from the said county of Chester, before the division thereof, in like manner as if this act had not been made.

Of the county
officers;

and debts due
before the di-
vision of the
county of
Chester.

1789.

Surety to be given by the officers of the new county.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the Sheriffs, Coroners, Treasurers and Collectors of excise, hereafter to be appointed or elected in the said county of Delaware, before they, or any of them, shall enter upon the execution of their respective offices, shall give security for the faithful execution of their respective offices, that is to say; the Sheriff in the sum of one thousand five hundred pounds; the Coroner seven hundred and fifty pounds; the Treasurer in the sum of one thousand five hundred pounds; and the Collector of excise in the sum of two hundred pounds.

Passed 26th September, 1789.—Recorded in Law Book No. III. page 551. (y)

(y) The 10th, 11th, and 14th sections of this act, are obsolete, they related to the manner of defraying the expenses of the county buildings; continuing the process previously instituted in Chester county, and appointing commissioners to run the boundary lines.

The second, third and fourth election districts in this county, were established by act of 22d of April, 1794, (chap. 1756.)

By the last enumeration, the county of Delaware contains two thousand five hundred and fifty-four taxables; and with the county of Chester, ten thousand and fifty taxables; and, by the act of 21st of March, 1808, apportioning the representation in pursuance thereof, sends two members to the House of

Representatives, and in conjunction with the county of Chester, two members to the senate.

By the Judiciary act of 24th of February, 1806, Delaware, Chester, Bucks and Montgomery, compose the seventh judiciary district, and the term was to be two weeks, but by an act passed 10th of March, 1810, the term in Delaware is to continue but one week. April term to commence on the second Monday in April, and July term on the 4th Monday in July; and by the original act, the January and October terms commence on the 3d Mondays of those months.

Delaware county is attached to the Eastern District of the Supreme Court.

CHAPTER MCCCCXXXIII.

An ACT to enable the owners and possessors of a certain tract of meadow land, situate in the precinct of Richmond, in the township of the Northern-Liberties, to keep the bank, dams, sluices and flood-gates, in repair.

Passed 24th September, 1789.—Private Act.—Recorded in Law Book No. III. page 546.

CHAPTER MCCCCXXXIV.

A SUPPLEMENT to the several laws of this commonwealth respecting attachments.

SECT. I. WHEREAS the laws of this commonwealth respecting attachments, have been found defective, inasmuch as no adequate provision is therein made for obtaining and compelling a disclosure of the goods, chattels, monies, effects and credits of the defendant and defendants, in the custody, possession and charge, or due and owing from any garnishee or garnishees, upon whom such writs of attachment are respectively served, so that many hon-

[See vol. 1, page 45, chap. 142, and the notes thereto sub-joined.]