

claim the benefit of this act, such Indian shall at the time produce a certificate or other proof of some person in the neighborhood where such squirrels shall be killed certifying he or they saw such heads or skins of heads green and undried.

Provided always, That no such order shall be given by any such justice on any of the treasurers of the said counties respectively for any less number of heads or skins of heads so to be produced than twelve.

Provided also, That nothing herein contained shall authorize any person to carry a gun or hunt on the land of another without license from the owners, or in any other manner than by the laws of this province was allowable to do before the making of this act.

Passed February 4, 1748-49. Confirmed by the King in Council, March 29, 1750. See Appendix XVII, Section I, and the acts of Assembly passed January 27, 1749-50, Chapter 382; April 9, 1769, Chapter 456; March 27, 1784, Chapter 1087; March 4, 1807, P. L. 52; February 13, 1811, P. L. 42; March 15, 1831, P. L. 137; February 26, 1841, P. L. 42; May 3, 1852, P. L. 536; May 4, 1852, P. L. 586; April 26, 1855, P. L. 335; April 18, 1856, P. L. 404; April 15, 1857, P. L. 202; April 2, 1860, P. L. 552; April 17, 1861, P. L. 361; March 9, 1863, P. L. 115; April 11, 1866, P. L. 714; (the two acts of) April 3, 1867, P. L. 689, 690, April 8, 1867, P. L. 920; April 4, 1868, P. L. 642; April 8, 1868, P. L. 743; April 11, 1868, P. L. 854; April 10, 1869, P. L. 841; April 17, 1869, P. L. 1122; April 21, 1869, P. L. 84; February 19, 1870, P. L. 210; March 12, 1870, P. L. 417; April 2, 1870, P. L. 807; February 18, 1871, P. L. 78; March 4, 1871, P. L. 180; (the two acts of) March 11, 1871, P. L. 326, 327; May 4, 1871, P. L. 537; May 10, 1871, P. L. 658; May 25, 1871, P. L. 1148; March 28, 1872, P. L. 625; April 1, 1872, P. L. 686; April 2, 1872, P. L. 726; May 1, 1873, P. L. 89; April 17, 1874, P. L. 60; April 17, 1878, P. L. 24; (the two acts of) June 3, 1878, P. L. 157, 160; June 26, 1895, P. L. 390; June 27, 1895, P. L. 403; June 4, 1897, P. L. 123.

CHAPTER CCCLXXVII.

AN ACT FOR ERECTING PART OF THE PROVINCE OF PENNSYLVANIA WESTWARD OF SUSQUEHANNA AND SOUTHEASTWARD OF THE SOUTH MOUNTAIN INTO A COUNTY.

Whereas a great number of the inhabitants of the western part of Lancaster county have by their petition humbly represented to the governor and assembly of this province the great

hardships they lie under by being at so great a distance from the borough of Lancaster, where the courts of justice are held and the public offices are kept, and how hard and difficult it is for the sober and quiet part of the inhabitants of that part of the county to secure themselves against thefts and abuses, frequently committed amongst them by idle and dissolute persons, who resort to the remote parts of the province, and by reason of the great distance from the court or prison frequently find means of making their escapes:

For remedying of which inconveniencies and relief of the inhabitants in the premises:

[Section I.] Be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and of the counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General [Assembly] met, and by the authority of the same, That all and singular the lands lying within the province of Pennsylvania aforesaid to the westward of the river Susquehanna and southward and eastward of the South Mountain be erected into a county; and the same is hereby erected into a county named and henceforth to be called York, bounded northward and westward by a line to be run from the said river Susquehanna along the ridge of the said South Mountain until it shall intersect the Maryland line, southward by the said Maryland line and eastward by the said river Susquehanna.

[Section II.] And be it further enacted by the authority aforesaid, That the inhabitants of the said county 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 within the said province do, may or ought to enjoy by any charter of privileges or the laws of this province, or by any other ways or means whatsoever, excepting only in the number of representatives to serve in general assembly of this province, in which case it is

[Section III.] Provided, and further enacted by the authority aforesaid, That until it shall be otherwise ordered by the gov-

ernor and assembly of this province the freemen and inhabitants of the said county qualified by the laws of this province to elect shall annually meet at or near the place where the court-house is intended to be built for the said county, at the same time the inhabitants of the other counties of this province shall meet for like purposes, and there proceed to choose inspectors and to elect two representatives or delegates to serve them in assembly in the same manner as by the charter and laws of this province is directed in respect to other counties, which said two representatives when so chosen shall be members of the general assembly of the province of Pennsylvania and sit and act as such as fully and freely as any of the representatives for the other counties within this province do, may, can or ought to do.

[Section IV.] And be it further enacted by the authority aforesaid, That all taxes already laid within the bounds of the said county of York by virtue of any act of general assembly of this province which are not already paid shall be collected by the respective collectors within the bounds aforesaid and paid into the hands of the treasurer of Lancaster county; and that all persons concerned in the levying, receiving and paying the said taxes shall have the same power and authority and be under the same penalties and restrictions for collecting and paying the same as by the said acts by which the said taxes were assessed are expressed and directed, until the whole be collected and paid as aforesaid.

[Section V.] And be it further enacted by the authority aforesaid, That the justices of the supreme [court] of this province shall have like powers, jurisdictions and authorities within the said counties of Lancaster and York as by law they are vested with and entitled unto in the other counties within the province aforesaid, and are hereby authorized and empowered from time to time to deliver the gaols of the said counties of capital or other offenders in like manner as they are authorized to do in other the counties aforesaid.

[Section VI.] And be it further enacted by the authority aforesaid, That there shall be a competent number of justices nominated and authorized by the governor for the time being by commissions under the broad seal of the province, which said

justices, or any three of them shall and may hold courts of general quarter-sessions of the peace and gaol delivery and county courts for holding of pleas, and shall have all and singular the powers, rights, jurisdictions and authorities to all intents and purposes as other the justices of courts of general quarter-sessions and justices of [the] county courts for holding of pleas in the other counties aforesaid may, can or ought to have in their respective counties, which said courts shall sit and be held for the said county of York on the last third day of the week, commonly called Tuesday, in every of the months called April, July, October and January in every year at some proper place within the said county until a court-house shall be built; and when the same is built and erected in the county aforesaid, the said several courts shall then be holden and kept at the said court-house on the days before mentioned. And the election of representatives to serve in general assembly, assessors and all other officers of the said county who are or shall be appointed to be annually elected shall be made and elected at or near the said court-house at the same time and in same manner as by the charter of privileges and laws of the province aforesaid is directed to be done in the other counties within this province. And it shall be lawful for the freemen of the said county for the first year to choose three commissioners for raising county rates and levies for the said county.

[Section VII.] And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Thomas Cox, Michael Tanner, George Swoope, Nathan Hussey and John Wright, Junior, all of the county aforesaid, yeomen, or any three of them, to purchase and take assurance to them and their heirs of a piece of land situate in some convenient place in the said county, to be approved of by the governor, 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 and for the ease and convenience of the inhabitants.

[Section VIII.] And be it further enacted by the authority aforesaid, That for the defraying the charges of purchasing the land, building and erecting the court-house and prison aforesaid,

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, so much money as the said trustees or any three of them shall judge necessary for purchasing the land and finishing the said court-house and prison. Provided always, The sum of money so to be raised does not exceed three hundred pounds current money of this province.

[Section IX.] Provided also, and be it further enacted by the authority aforesaid, That no action or suit now commenced or depending in the county of Lancaster against any person living within the bounds of the said county of York [or elsewhere] shall be stayed or discontinued by this act or by anything herein contained, but that the same 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 Lancaster county to issue any judicial process, to be directed to the sheriff of Lancaster county, for carrying on and obtaining the effect of their suits, which sheriff shall be and is hereby obliged to yield obedience in executing the said writs and make due return thereof before the justices of the said court of the said county of Lancaster as if the parties were living and residing within the same.

[Section X.] And be it further enacted by the authority aforesaid, That David McConaughy, of the said county of York, be and hereby is appointed collector of the excise for the said county, who is hereby authorized and empowered, by himself or his sufficient deputy, duly constituted and for whom he shall be accountable, to demand, collect, receive and recover the excise appointed to be paid by any act and acts of assembly of this province, and also the arrearages thereof, of and from all and every person and persons within the said county retailing or vending any of the liquors by the said acts liable to pay the same, and also to recover and receive all and every the duties, fines and forfeitures laid or imposed or that shall happen to arise or become due for anything done contrary to the true intent and meaning of the said acts.

[Section XI.] And be it further enacted by the authority

aforesaid, That the said collector of excise for the county of York aforesaid, the better to enable himself to recover the arrearages of excise now due or which shall become due before the publication of this act, shall apply to the collector of excise for the county of Lancaster for a list, which he is hereby enjoined and required to deliver, containing the names of each and every person in arrear for excise within the said county of York and how much from each of them.

[Section XII.] And be it further enacted by the authority aforesaid, That the collector of the county of York aforesaid before he enters on the execution of his said office is hereby required to give bond with two sufficient sureties to the treasurer of this province for the time being in the sum of one hundred pounds lawful money of the province aforesaid for the faithful discharge of his duty and paying all such sums of money as he shall from time to time receive by virtue of this act. And further, the collector of the said county of York shall in all things govern himself and be subject to the same regulations, restrictions, fines and forfeitures and shall observe like rules, orders and directions as the collectors of other the counties aforesaid by the laws of this province are liable to. And the said collector for the discharge of the duty of his office within the said county of York shall have and receive like fees, perquisites and rewards for his services enjoined by this act as other the collectors aforesaid (Philadelphia excepted) by the acts aforesaid are entitled unto for the services enjoined them by the acts aforesaid.

[Section XIII.] And be it further enacted by the authority aforesaid, That until a sheriff and coroner shall be chosen in the county of York in pursuance of this act, it shall and may be lawful for the sheriff and coroner of Lancaster to officiate and act in the discharge of their respective duties as fully and amply as they might and ought to have done if this act had not been made, one of whom or his deputy shall attend and discharge the duty of his office according to the laws of this province at the next election at Lancaster, and the other of them or his deputy shall attend and discharge the duty of his office in like manner at the first election next to be held in the county of York aforesaid, in pursuance of the directions of this act.

Passed August 19, 1749. Confirmed by the Lords Justices in Council, August 2, 1750. See Appendix XVII, Section II.

As to Section I, see the Acts of Assembly passed January 27, 1749-50, Chapter 380; February 9, 1750-51, Chapter 387; April 1, 1784, Chapter 1099; September 9, 1784, Chapter 1107; March 4, 1785, Chapter 1136, January 22, 1800, Chapter 2097; March 31, 1823, P. L. 191; April 18, 1853, P. L. 524; March 31, 1854, P. L. 240.

As to Sections II-III, see the Acts of Assembly passed March 11, 1752, Chapter 396; September 27, 1755, Chapter 404; September 29, 1759, Chapter 451; March 4, 1763, Chapter 489; February 8, 1766, Chapter 539; February 26, 1773, Chapter 683; March 23, 1776, Chapter 717; (the Constitution of 1776, Plan of Government, Section XVII;) June 14, 1777, Chapter 757; September 24, 1779, Chapter 847; September 13, 1785, Chapter 1175; September 19, 1786, Chapter 1242; September 27, 1786, Chapter 1253; September 7, 1789, Chapter 1428; (the Constitution of 1790, Article I, Section IV;) April 22, 1794, Chapter 1770; February 10, 1801, Chapter 2178; February 27, 1801, Chapter 2212; February 13, 1802, P. L. 61; March 31, 1806, P. L. 654; April 11, 1807, P. L. 268; April 13, 1807, P. L. 284; March 21, 1808, P. L. 86; April 1, 1811, P. L. 191; March 8, 1815, P. L. 93; March 24, 1817, P. L. 281; March 24, 1818, P. L. 279; March 29, 1819, P. L. 201; April 2, 1821, P. L. 303; March 25, 1822, P. L. 74; April 2, 1822, P. L. 197; January 24, 1824, P. L. 13; March 30, 1824, P. L. 227; April 11, 1825, P. L. 203; April 10, 1826, P. L. 398; April 20, 1829, P. L. 212; April 23, 1829, P. L. 329; April 6, 1830, P. L. 310; May 3, 1832, P. L. 405; April 9, 1833, P. L. 457; April 15, 1834, P. L. 475; April 15, 1835, P. L. 349; March 17, 1836, P. L. 95; April 1, 1836, P. L. 436; (the two acts of) June 16, 1836, P. L. 702, 794; (the Constitution of 1838, Article I, Section IV;) April 16, 1838, P. L. 593; July 2, 1839, P. L. 519; March 7, 1840, P. L. 72; March 5, 1841, P. L. 67; March 4, 1842, P. L. 43; March 18, 1842, P. L. 125; April 14, 1843, P. L. 247; January 22, 1844, P. L. 14; March 9, 1844, P. L. 75; April 11, 1844, P. L. 241; March 14, 1845; P. L. 149; April 16, 1845, P. L. 521; (the two acts of) March 7, 1846, P. L. 86, 96; April 21, 1846, P. L. 419; February 15, 1848, P. L. 56; March 6, 1848, P. L. 99; April 5, 1849, P. L. 555; May 15, 1850, P. L. 777; April 14, 1851, P. L. 605; March 11, 1852, P. L. 127; March 11, 1853, P. L. 169; (the two acts of) April 14, 1853, P. L. 414, 422; February 9, 1854, P. L. 48; February 27, 1854, P. L. 107; April 20, 1854, P. L. 419; January 31, 1855, P. L. 5; May 20, 1857, P. L. 619; April 13, 1859, P. L. 572; March 18, 1861, P. L. 156; May 5, 1864, P. L. 258; April 17, 1866, P. L. 107; April 15, 1867, P. L. 86; May 6, 1871, P. L. 252; May 11, 1871, P. L. 259; March 20, 1872, P. L. 473; (the Constitution of 1873, Article II, Section XVII;) May 18, 1876, P. L. 178; June 13, 1883, P. L. 124; May 12, 1887, P. L. 98; June 11, 1891, P. L. 296; April 18, 1893, P. L. 107; May 18, 1893, P. L. 106; June 26, 1895, P. L. 377.

As to Section V, see note to the Act of Assembly passed May 22, 1722, Chapter 255.

As to Section VI, see notes to the Acts of Assembly passed May 22, 1722, Chapter 255; March 20, 1724-25, Chapter 284; and the Acts of Assembly passed September 29, 1759, Chapter 450; September 7, 1739, Chapter 1427; (the Constitution of 1790, Article V, Sections IV-V, and VII;) April 13, 1791, Chapter 1575; (the two acts of) March 15, 1800, Chapters 2142, 2145; February 24, 1806, P. L. 334; April 10, 1826,

P. L. 277; March 29, 1832, P. L. 190; April 8, 1833, P. L. 215; February 21, 1834, P. L. 69; April 14, 1834, P. L. 333; April 11, 1835, P. L. 196; (the Constitution of 1838, Article V, Sections IV-V and VII;) March 14, 1849, P. L. 166; April 22, 1850, P. L. 543; April 3, 1868, P. L. 636; (the Constitution of 1873, Article V, Sections I-III-V and VII;) April 9, 1874, P. L. 54; March 18, 1875, P. L. 28; April 12, 1875, P. L. 69; April 24, 1879, P. L. 32; June 10, 1881, P. L. 113; August 7, 1883, P. L. (1885) 323; June 12, 1895, P. L. 190.

As to Sections VII and VIII, see the Acts of Assembly passed February 28, 1780, Chapter 878; April 15, 1834, P. L. 537; March 28, 1853, P. L. 708; June 1, 1883, P. L. 58; April 19, 1895, P. L. 38.

As to Sections X-XII, see note to the Acts of Assembly passed May 26, 1744, Chapter 360, and the Act of Assembly passed September 21, 1756, Chapter 412.

CHAPTER CCCLXXVIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR IMPOSING A DUTY ON PERSONS CONVICTED OF HEINOUS CRIMES AND TO PREVENT POOR AND IMPOTENT PERSONS BEING IMPORTED INTO THIS PROVINCE."¹

Whereas by an act of the general assembly of this province passed in the third year of the reign of King George the Second, entitled "An act for imposing a duty on persons convicted of heinous crimes and to prevent poor and impotent persons being imported into this province," Charles Read, late of the city of Philadelphia, merchant, deceased, was in his lifetime appointed collector of the duties by the said act imposed; which act of assembly, by another act of assembly passed in the sixteenth year of the present reign, was repealed; and the said repealing act, on being presented to the King and council, was disallowed, by means whereof the act of assembly first mentioned is again come in force. And forasmuch as the circumstances of this province require the said act should be put in execution until one better adapted to the circumstances of the province shall be provided; and whereas no provision is therein made for appointing another officer instead of the said Charles Read, deceased:

¹Passed February 14, 1729-30, Chapter 314.