

that the said private road should be continued until it shall intersect the said road hereby confirmed:

[Section II.] Be it therefore enacted by the authority aforesaid, That the said private road shall be continued on the same course on which it was originally laid out until it shall intersect the said road hereby confirmed.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX.

CHAPTER DCXXIX.

AN ACT FOR ERECTING A PART OF THE COUNTY OF CUMBERLAND INTO A SEPARATE COUNTY.

Whereas a great number of the inhabitants of the western parts of the county of Cumberland have represented to the assembly of this province the great hardships they lie under from being so remote from the present seat of judicature and the public offices:

For remedying whereof:

[Section I.] Be it enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and 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 and being within the boundaries following, that is to say, beginning where the province line crosses the Tuscarora mountain and running along the summit of that mountain to the gap near the head of the Path Valley, thence with a north line to the Juniata, thence with the Juniata to the mouth of Shaver's creek, thence northeast to the line of Berks county, then along the Berks county line northwestward

to the western bounds of the province, thence southward according to the several courses of the western boundary of the province to the southwest corner of the province, and from thence eastward with the southern line of the province to the place of beginning, shall be and the same is hereby erected into the county, henceforth to be called Bedford.

[Section II.] And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Bedford shall and 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:

[Section III.] It is provided and further enacted by the authority aforesaid, That the freeholders and inhabitants of each township within the said county qualified by the laws of this province to elect shall meet at some convenient place within their respective townships at the same time the freeholders and inhabitants of the several townships of the other counties shall meet for like purpose and proceed to choose inspectors; and that the freemen and inhabitants of the said county qualified as aforesaid shall meet at or near the place where the court house is intended to be built at the same time the inhabitants of the other counties shall meet for the like purpose, and proceed to elect one representative or delegate to serve them in assembly in the same manner and under the same rules, regulations and penalties as by the charter and laws of this province are directed in respect to other counties, which said representative, when so chosen, shall be a member of the general assembly of the province of Pennsylvania and shall 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 Bedford 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 Cumberland 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 county of Bedford as by law they are vested with and entitled to 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 county 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, from and after the publication of this act, sit and be held for the said county of Bedford on the Tuesday next preceding Cumberland county courts in every of the months of January, April, July and October in every year at the town of Bedford, 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 a representative 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 the same manner as by the charter of privileges and the laws of the province aforesaid are 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 Arthur St. Clair, Bernard Daugherty, Esquires; Thomas Coulter, William Prockter and George Woods, gentlemen, 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 town 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 conveniency 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, in the manner directed by the act for raising county rates and levies,¹ 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 one thousand 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 Cumberland against any person living within the bounds of the said county of Bedford 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 rend-

¹ Passed March 20, 1724-25, Chapter 284.

ered as if this act had not been made; and that it shall and may be lawful for the justices of Cumberland county to issue any judicial process to be directed to the sheriff of Cumberland 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 Cumberland, as if the parties lived and resided within the same.

[Section X.] And be it further enacted by the authority aforesaid, That Thomas Urie, of the said county of Cumberland, be and is hereby appointed collector of the excise of the said county of Bedford, 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 or 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 intent 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 Bedford 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 Cumberland for a list which the said collector of the county of Cumberland is hereby enjoined and required to deliver, containing the names of each and every person in arrear for excise within the said county of Bedford, 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 Bedford 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 two 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 Bedford 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 the said office within the said county of Bedford shall have and receive like fees, perquisites and rewards for his services enjoined by this act as other the collectors aforesaid (the collectors of Philadelphia county aforesaid 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 Bedford in pursuance of this act it shall and may be lawful for the sheriff and coroner of Cumberland 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 for Cumberland county aforesaid, 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 Bedford aforesaid in pursuance of the directions of this act.

[Section XIV.] And be it further enacted by the authority aforesaid, That before any sheriff hereafter to be appointed or commissioned for the said county of Bedford shall enter upon the duties of his office he shall become bound in an obligation with two or more sufficient securities, to be approved of by the governor of this province for the time being, in the sum of one thousand pounds, and with like condition as the sheriffs of the other counties within this province are enjoined and required to become bound; which said obligation shall be taken in the King's name and entered upon record in the office for recording of deeds in the said county of Bedford, and shall be only in trust to and for the use and benefit of the person or persons who shall

be injured by any breach, neglect or omission of duty in such sheriff, and shall be proceeded [on] in the same manner as is directed in respect to sheriffs' bonds in and by the act of general assembly, entitled "An act for the regulating elections for sheriffs and coroners;"¹ and that the treasurer hereafter to be appointed for said county for receiving the provincial taxes before he shall enter on the duties of his office shall give security in like manner as other county treasurers for that purpose are by law directed to give security in the sum of fifteen hundred pounds; and that the treasurer for said county for receiving the county levies shall in like manner give security in the sum of six hundred pounds.

And to the end the boundaries of the said county of Bedford may be the better ascertained and known:

[Section XV.] Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Robert McCrea, William Miller and Robert Moore, or a majority of them, and they are hereby required and firmly enjoined within the space of six months next after the publication of this act to assemble themselves together and run, mark out and distinguish the boundary lines between the said counties of Cumberland and Bedford, and the charges to arise for the doing thereof shall be defrayed by the said county of Bedford, and to that end levied and raised by the inhabitants thereof in such manner as other public money for the use of the said county by law ought to be raised and levied.

Passed March 9, 1771. Referred for consideration by the King in Council, October 9, 1771, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIX.

As to Section I, see the two Acts of Assembly passed March 21, 1772, Chapters 644, 658; February 26, 1773, Chapter 678; September 20, 1779, Chapter 848; February 17, 1784, Chapter 1068; April 1, 1784, Chapter 1099; September 9, 1784, Chapter 1107; September 20, 1787, Chapter 1311; March 2, 1789, Chapter 1392; April 17, 1795, Chapter 1851; (the two Acts of Assembly passed) March 20, 1798, Chapters 1991, 1993; March 1, 1800, Chapter 2111; March 26, 1804, P. L. 365; April 12, 1845, P. L. 411; February 26, 1846, P. L. 64; March 13, 1847, P. L. 304; April 19, 1850, P. L. (1851) 805; May 3, 1850, P. L. 679; April 20, 1853, P. L. 642; March 6, 1854, P. L. 155;

¹ Passed January 12, 1705-6, Chapter 161.

February 14, 1855, P. L. 32; April 17, 1876, P. L. 42; May 22, 1895, P. L. 97.

As to Sections II and III, see the Acts of Assembly passed March 23, 1776, Chapter 717; September 24, 1779, Chapter 847; September 27, 1786, Chapter 1253; April 22, 1794, Chapter 1770; February 27, 1801, Chapter 2212; March 21, 1808, P. L. 86; March 8, 1815, P. L. 93; March 25, 1822, P. L. 74; April 20, 1829, P. L. 212; June 16, 1836, P. L. 794; (the Constitution of 1838, Article I, Section IV); April 14, 1843, P. L. 247; April 19, 1850, P. L. (1851) 805; May 15, 1850, P. L. 777; May 20, 1857, P. L. 619; (the Constitutional Amendment of 1857, incorporated into the Constitution of 1838 as Article I, Section IV); April 11, 1862, P. L. 502; May 5, 1864, P. L. 253; May 6, 1871, P. L. 252; May 12, 1887, P. L. 98.

As to Section VI, see the Ordinance of the first Constitutional Convention passed September 3, 1776, Chapter 731; the Constitution of 1776, Plan of Government, Sections 9, 17, 26, 30; and the Acts of Assembly passed January 28, 1777, Chapter 737; February 5, 1777, Chapter 739; March 15, 1777, Chapter 749; June 14, 1777, Chapter 757; August 31, 1778, Chapter 805; September 20, 1780, Chapter 914; March 27, 1784, Chapter 1086; March 31, 1784, Chapter 1093; September 13, 1785, Chapter 1175; March 4, 1786, Chapter 1205; September 19, 1786, Chapter 1242; September 10, 1787, Chapter 1301; February 27, 1788, Chapter 1329; September 7, 1789, Chapter 1427; September 29, 1789, Chapter 1456; (the Constitution of 1790, Article V, Sections IV, V, X; Article VI, Section I; Schedule, Section 4); April 13, 1791, Chapter 1575; September 30, 1791, Chapter 1601; April 3, 1792, Chapter 1621; April 10, 1792, Chapter 1641; January 24, 1793, Chapter 1651; April 11, 1793, Chapter 1686; February 5, 1794, Chapter 1713; March 13, 1795, Chapter 1808; March 21, 1797, Chapter 1933; February 13, 1800, Chapter 2103; February 23, 1801, Chapter 2195; February 13, 1802, P. L. 58; April 2, 1802, P. L. 131; April 1, 1803, P. L. 586; April 4, 1803, P. L. 659; April 3, 1804, P. L. 503; April 4, 1805, P. L. 255; February 24, 1806, P. L. 334; March 31, 1806, P. L. 654; April 11, 1807, P. L. 268; March 28, 1808, P. L. 150; March 11, 1809, P. L. 36; April 4, 1809, P. L. 177; April 1, 1811, P. L. 191; March 14, 1814, P. L. 96; March 28, 1814, P. L. 277; March 13, 1815, P. L. 168; February 20, 1816, P. L. 82; March 15, 1816, P. L. 137; March 23, 1818, P. L. 239; March 29, 1819, P. L. 201; April 2, 1821, P. L. 303; April 2, 1822, P. L. 193; March 29, 1824, P. L. 194; April 11, 1825, P. L. 218; January 11, 1828, P. L. 13; April 14, 1828, P. L. 336; March 19, 1829, P. L. 82; April 16, 1829, P. L. 198; April 23, 1829, P. L. 329; April 6, 1830, P. L. 310; April 4, 1831, P. L. 480; May 3, 1832, P. L. 405; April 9, 1833, P. L. 457; April 14, 1834, P. L. 333; April 15, 1835, P. L. 349; April 1, 1836, P. L. 436; June 16, 1836, P. L. 784; April 16, 1838, P. L. 593; (the Constitution of 1838, Article V, Sections II, III, V, VII; Article VI, Sections I, III, VII, VIII; Schedule 7, 10, Section 12); June 20, 1839, P. L. 360; (the two Acts of Assembly passed) June 21, 1839, P. L. 373, 376; (the two Acts of Assembly passed) July 2, 1839, P. L. 519, 590; (the two Acts of Assembly passed) March 7, 1840, P. L. 72, 90; April 11, 1840, P. L. 294; April 13, 1840, P. L. 319; April 14, 1840, P. L. 336; (the two Acts of Assembly passed) June 13, 1840, P. L. 672, 689; March 5, 1841, P. L. 67; March 4, 1842, P. L. 43; July 11, 1842, P. L. 321; July 16, 1842, P. L. 374; March 7, 1843, P. L. 59; April 14, 1843, P. L. 131; February

17, 1844, P. L. 47; April 11, 1844, P. L. 241; May 8, 1844, P. L. 572; February 19, 1845, P. L. 44; March 14, 1845, P. L. 149; March 7, 1846, P. L. 86; March 9, 1846, P. L. 105; April 20, 1846, P. L. 411; March 16, 1847, P. L. 421; March 18, 1848, P. L. 210; April 11, 1848, P. L. 476; April 5, 1849, P. L. 555; April 9, 1849, P. L. 508; April 10, 1849, P. L. 619; (the Constitutional Amendment of 1850, incorporated into the Constitution of 1838, as Article V, Section 11); February 12, 1850, P. L. 59; April 2, 1850, P. L. 330; April 8, 1850, P. L. 410; April 22, 1850, P. L. 543; April 25, 1850, P. L. 569; February 10, 1851, P. L. 40; March 11, 1851, P. L. 131; March 29, 1851, P. L. 265; April 3, 1851, P. L. 332; April 14, 1851, P. L. 601; April 15, 1851, P. L. 648; April 7, 1852, P. L. 273; April 8, 1852, P. L. 285; April 27, 1852, P. L. 465; February 9, 1853, P. L. 58; March 11, 1853, P. L. 181; April 18, 1853, P. L. 567; February 2, 1854, P. L. 21; April 4, 1854, P. L. 271; April 20, 1854, P. L. 419; January 31, 1855, P. L. 5; April 22, 1856, P. L. 500; April 2, 1860, P. L. 552; May 1, 1861, P. L. 494; May 16, 1861, P. L. 694; May 5, 1864, P. L. 829; August 25, 1864, P. L. 990; March 10, 1865, P. L. 309; April 17, 1866, P. L. 107; February 16, 1867, P. L. 27; March 8, 1867, P. L. 368; April 15, 1867, P. L. 86; March 12, 1868, P. L. 304; March 16, 1869, P. L. 374; April 17, 1869, P. L. 49; May 2, 1871, P. L. 247; June 28, 1871, P. L. 1365; January 24, 1872, P. L. 65; February 21, 1872, P. L. 19; April 3, 1872, P. L. 864; February 5, 1873, P. L. 117; April 10, 1873, P. L. 740; (the Constitution of 1874, Article II, Sections 17, 18; Article III, Section 7; Article V, Sections 4, 5, 9, 11, 15, 22, 25; Article VIII, Sections 2, 3, 4, 7, 11; Article XIV Sections 2 3; Schedule Sections 11, 13, 14, 15, 16); March 4, 1875, P. L. 5; April 9, 1874, P. L. 54; (the two Acts of Assembly passed) May 15, 1874, P. L. 186, 196; March 18, 1875, P. L. 28; May 18, 1876, P. L. 178; June 10, 1881, P. L. 113; June 13, 1883, P. L. 124; August 7, 1883, P. L. (1885) 323; June 24, 1885, P. L. 149; March 24, 1887, P. L. 14; May 19, 1887, P. L. 126; June 11, 1891, P. L. 296; April 18, 1893, P. L. 107; May 18, 1893, P. L. 106; June 12, 1895, P. L. 190; June 26, 1895, P. L. 377.

As to Sections VII and VIII, see the Acts of Assembly passed July 23, 1774, Chapter 697; March 15, 1779, Chapter 826; April 15, 1834, P. L. 537; April 9, 1868, P. L. 73; April 24, 1879, P. L. 32; June 1, 1883, P. L. 58; April 26, 1889, P. L. 55; April 19, 1895, P. L. 38.

As to Sections X, XII, see the notes to the Acts of Assembly passed May 26, 1744, Chapter 360; June 24, 1746, Chapter 370; September 21, 1756, Chapter 412; and see the Act of Assembly passed March 21, 1772, Chapter 656.

As to Section XIV, see the Acts of Assembly passed September 29, 1789, Chapter 1452; March 5, 1790, Chapter 1488; April 11, 1799, Chapter 2095; March 28, 1803, P. L. 497; March 30, 1811, P. L. 145; April 2, 1821, P. L. 245; April 8, 1826, P. L. 260; April 16, 1827, P. L. 471; April 15, 1828, P. L. 491; April 15, 1834, P. L. 537; April 1, 1835, P. L. 101; June 11, 1840, P. L. 612; May 27, 1841, P. L. 400; May 7, 1855, P. L. 495; April 13, 1859, P. L. 607; April 3, 1860, P. L. 650; April 21, 1876, P. L. 46; June 8, 1881, P. L. 81; June 27, 1883, P. L. 163; May 24, 1887, P. L. 185.