

CHAPTER MCVIII.

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

(Section I, P. L.) 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 labor under by reason of their distance from the seat of judicature in the said county:

For remedy whereof:

[Section I.] (Section II, P. L.) 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 the 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 Merrion, and thence by the 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.

[Section II.] (Section III, P. L.) 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.

[Section III.] (Section IV, P. L.) 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 the assembly, one counsellor, two fit persons for sheriffs, two fit persons for coroners, 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 countries, 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.

[Section IV.] (Section V, P. L.) 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.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all taxes already laid within the bounds of the county of Montgomery by virtue of any act of general assembly of this state, 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 Philadelphia 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 VI.] (Section VII, P. L.) 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.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the freeholders of each township or district in the county aforesaid, are hereby authorized and required, as often as may be necessary hereafter, to meet at some proper and convenient place within the said townships or districts, and elect fit persons for justices of the peace for each township or district, agreeably to the constitution and laws of this state, for that purpose respecting other counties.

(Section IX, P. L.) Provided always, That the justices of the peace, and the judges of the pleas commissioned at the time of passing this act or that may be hereafter commissioned conformably to the constitution, and residing within the county of Montgomery, or any three of them, shall and may hold courts of general quarter sessions of the peace, and general 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 the courts of

general quarter sessions, and the justices of the county courts for holding of pleas in the other counties, may, can or ought to have in their respective counties; which said courts shall sit and be held for the said county of Montgomery on the third day of the week commonly called Tuesday next after the courts held for the county of Northampton in every of the months called March, June, September and December, in every year, at some proper place within the said county until a court-house 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.

[Section VIII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Henry Pawling, Junior, Jonathan Roberts, George Smith, Robert Shannon and Henry Cunnard of Whippain 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 neighborhood of Stony 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.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That such a part of the money as shall arise from the sale of the old prison and the work house and lot of ground thereunto belonging in the city of Philadelphia, as directed by an act of the 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.

(Section XII, P. L.) Provided always, That the sum of money so to be raised does not exceed three thousand pounds current money of this state.

[Section X.] (Section XIII, P. L.) Provided also, and be it further enacted by the authority aforesaid, That no action or suit now commenced or depending 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.

[Section XI.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That when a collector of excise shall be appointed for said county, he shall be 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 an act or acts of assembly of this state, and also the arrearages thereof, of and from all and every person or 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 XII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the collector of excise for the county of Montgomery aforesaid, the better to enable him 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 Philadelphia for a list, which he is hereby enjoined and required to deliver, containing the names of each and every person in arrears for excise within the said county of Montgomery, and how much from each of them.

[Section XIII.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the collector of the county of Montgomery aforesaid, before he enter on the execution of his said office, is hereby required to give bond, with two sufficient sureties, to the treasurer of this state for the time being, in the sum of two thousand pounds lawful money of this state, 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 Montgomery 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 collectors of the other counties by the laws of this state are liable to. And the said collector for the discharge of the duty of his office within the said county of Montgomery, shall have and receive like fees, perquisites and rewards for his services as the collector for Chester county is entitled to for his services.

[Section XIV.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That until a sheriff and coroner shall be chosen in the county of Montgomery in pursuance of this act, it shall and may be lawful for the sheriff and coroner of Philadelphia county to officiate and act in the discharge of their respective duties, as fully and amply as they may or can do in the county of Philadelphia.

(Section XVIII, P. L.) And to the end that the boundaries of the said counties of Philadelphia and Montgomery 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 the trustees named in this act, together with Edward Duffield, Enoch Edwards, Nathan Gibson, Joseph Ferree, and John Holmes, or

a majority of them and they are hereby required and firmly enjoined within the space of three weeks next after the publication of this act, to assemble themselves together, and with the assistance of one or more surveyors, by them provided, to run, mark out and distinguish the boundary line between the aforesaid counties of Philadelphia and Montgomery, or so much thereof, as they or a majority of them for the respective counties shall judge convenient and necessary, and the charges to arise for the doing thereof shall be defrayed equally by the inhabitants of the said counties of Philadelphia and Montgomery, as far as they may interfere with each other, and for that end levied and raised by the said inhabitants, in such manner as other public money for the use of the said counties, by law, ought to be raised and levied.

(Section XIX, P. L.) Provided always, That if the said commissioners from Philadelphia county or any three of them shall not attend on five day's notice given to them by the said commissioners from Montgomery county, of the time of running of the said line, that then and in such case the said commissioners from Montgomery county, or any three of them, shall run the same line.

[Section XVI.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That before any sheriff hereafter to be appointed and commissioned for the said county of Montgomery, shall enter upon the duties of his office, he shall become bound in obligation with two or more sufficient sureties, to be approved of by the president in council for the time being, in the sum of four thousand pounds, and with like conditions as is directed with respect to the sheriffs of the other counties within this state; which said obligation shall be taken in the name of the commonwealth of Pennsylvania, and entered upon record in the office for recording of deeds in the said county of Montgomery, and shall be 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 sheriffs, and may be proceeded upon in the same manner as is directed in respect to other sheriff's bonds, in and by the laws of this commonwealth now in force; and that the treasurer hereafter to be appointed

for the said county before he shall enter on the duties of his office, shall give bond and security in like manner, as other county treasurers are by law directed.

(Section XXI, P. L.) 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.

[Section XVII.] (Section XXII, P. L.) Be it therefore enacted by the authority aforesaid, That the boundary lines of the said county of Montgomery shall be as follows, 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; anything herein before contained to the contrary in anywise notwithstanding.

Passed September 10, 1784. Recorded L. B. No. '2, p. 359, etc.
See the Acts of Assembly passed March 30, 1785, Chapter 1150; April 8, 1785, Chapter 1165; September 13, 1785, Chapter 1177.