

CHAPTER MCDXXXVI.

AN ACT FOR ERECTING CERTAIN PARTS OF CUMBERLAND AND NORTHUMBERLAND COUNTIES INTO A SEPARATE COUNTY.

(Section I, P. L.) Whereas it hath been represented to the general assembly of this state by the inhabitants of those parts of Cumberland and Northumberland counties which are included within the lines hereinafter mentioned that they labor under great hardships by reason of their great distance from the present seats of justice and the public offices for the said counties:

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 the bonds and limits hereinafter described and following, shall be and are hereby erected into a separate county by the name of "Mifflin County," namely, beginning at Susquehanna river where the Turkey hill extends to the said river, then along the said hill to Juniata where it cuts Tuscarora mountain, thence along the summit of the said mountain to the line of Franklin county, thence along the said line to Huntingdon county line, thence along the said line to Juniata river, thence up the said river to Jack's narrows, thence along the line of Huntingdon county to the summit of Tussey's mountain, thence along the lines of Huntingdon and Northumberland counties so as to include the whole of Upper Bald Eagle township in the county of Northumberland to the mouth of Buck creek where it empties into the Bald Eagle creek, thence to Logan's Gap in Nittany mountain, thence to the head of Penn's creek, thence down the said creek to Sinking creek, leaving George McCormick's in Northumberland county, thence to the top of Jack's mountain at the line between Northumberland

county and Cumberland, thence along the said line to Montour's spring at the heads of Mahantango creek, thence down the said creek to Susquehanna river and thence down the said river to the place of beginning.

[Section II.] (Section III, P. L.) And be it enacted by the authority aforesaid, That the inhabitants of the said county shall at all times hereafter have and enjoy all and singular the privileges and jurisdictions which the inhabitants of any other county within this state do, may or ought to enjoy by the constitution and laws of this state.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the justices of the peace commissioned at the time of passing this act and residing within the bounds and limits of the said county herein and hereby erected and constituted shall be justices of the peace for the said county during the time for which they were so commissioned, and they or any three of them shall and may hold courts of general quarter sessions of the peace. And the justices of the common pleas in like manner commissioned and residing or any three or more of them shall and may hold courts of common pleas in the said county during the time they were so commissioned, and the said courts of general quarter sessions of the peace and of common pleas shall have all and singular the powers and authorities, rights and jurisdictions to all intents and purposes which any other counties of this state may, can or ought to have in their respective counties, and the said courts of common pleas shall sit and be held for the said county of Mifflin on the second Tuesdays in the months of December, March, June and September in each year at the house now occupied by Arthur Buchanan until a court-house shall be built as hereafter directed and the courts of quarter sessions of and for the said county shall open and commence on the days next preceding the opening of the said courts of common pleas in each of the said months in each year as aforesaid until the time aforesaid and then shall sit and be holden and kept at the said court-house on the days and times before mentioned.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all taxes and arrears of taxes

laid or directed to be laid or which have become due within the said county of Mifflin before the passing of this act shall be levied and collected by the same persons and in like manner as if this act had not been passed, and the collector of excise for the counties of Cumberland and Northumberland respectively shall have authority in like manner to demand, recover and collect within the said county of Mifflin all sums of money which have or shall become due to this commonwealth for excise on or before the second Tuesday in October next and all sums of money due to this commonwealth for militia fines within said county of Mifflin shall be collected and recovered as if this act had not been made.

[Section V.] (Section VI, P. L.) Be it further enacted by the authority aforesaid, That the inhabitants of each township for the county hereby erected, qualified by law to elect, shall at the usual places in their respective districts as heretofore laid off from the counties of Cumberland and Northumberland and which may now fall in the county hereby erected at the ships and districts of other counties in the state, meet and choose justices of the peace, inspectors, judges of elections for representatives in general assembly, a councillor and other elective county officers agreeably to the constitution and laws of this state for the time being. Provided always nevertheless, That that part of Northumberland county which is contained within the bounds of the said county of Mifflin be and the same hereby is erected into an election district and that the freemen of the said district meet at the house occupied by Enoch Hesting and hold their election.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the sheriff, treasurer, prothonotary, collector of excise and all such other officers as have heretofore given security for the faithful performance of and discharge of their several offices in the other counties of this state and who shall hereafter be appointed or elected in the said county, before they or any of them shall enter upon the execution of their respective offices, duties and trusts, shall give sufficient security in the like sums and in the like manner and forms and for the same uses, trusts and purposes as

such officers and persons elected and appointed for the like offices, duties and trusts are obliged by law to give in the county of Cumberland for the time being.

Whereas by the act to appoint a representation for the city and county of Philadelphia and the several counties of this commonwealth in proportion [to the number] of taxable inhabitants for the ensuing seven years the county of Cumberland is entitled to choose four representatives in general assembly.

[Section VII.] (Section VIII, P. L.) Be it further enacted by the authority aforesaid, That the said county of Cumberland shall elect three members only and the county of Mifflin shall elect one member to represent them respectively in the general assembly of this commonwealth from and after the passing of this act until the same shall be altered agreeable to the constitution and laws of this state, one councillor, 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 is directed in respect to other counties, and the said representatives, councillor and other officers, when chosen as aforesaid, and duly qualified, shall have and enjoy all and singular such powers, authority and privileges in and for their county as such officers elected in and for any other county of this state may, can or ought to have. Provided nevertheless, That no councillor shall be elected by the freemen of the said county of Mifflin to serve for the said county before the term for which the present councillor for the county of Cumberland was elected shall expire or till his death, resignation or removal from office.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That John Oliver, William Brown, David Beale, John Stewart, David Bole and Andrew Gregg of said county be and they are hereby appointed trustees for the county aforesaid with full authority for them or a majority of them to purchase or take and receive by grant, bargain or otherwise any quantity or quantities of land not exceeding one hundred and fifty acres on the north side of Juniata river and within one mile from the mouth of Kishicoquillas creek for the

use, trust and benefit of said county, and to lay out the same into regular town lots and to dispose of so many of them as they or any four of them may think best for the advantage of said county and they or any four of them are hereby authorized to sell and convey so many of them as they may think proper and with the moneys so arising from the sale of such lots and with other moneys assessed, levied and collected within the said county of Mifflin for that purpose which it is hereby declared it shall and may be lawful for the commissioners thereof to do or cause to be done, to build and erect a court house and prison suitable and convenient for the public on the public and such other square as shall be reserved for that purpose and the said trustees shall from time to time render true and faithful accounts of the expenditures of the same not only to the commissioners but to the grand jury for inspection, adjustment and settlement of the accounts of said county.

[Section IX.] (Section X, P. L.) 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 the like powers, jurisdictions and authorities within the said county of Mifflin as by law they are vested with and entitled to have and exercise in other counties of this state, and they are hereby authorized and empowered from time to time to deliver the gaol of the said county of capital and other offenders, in the same manner as they are authorized and empowered to do in any other counties of this state.

[Section X.] (Section XI, P. L.) Provided always and be it further enacted by the authority aforesaid, That no action or suit, indictment or prosecution now commenced or depending in any of the courts of the counties of Cumberland, Northumberland or either of them or which shall be commenced in the same on or before the fifth day of November next in the due and usual forms of the law shall be delayed, discontinued or affected by this act, but the same shall be proceeded to judgment and execution shall be issued and awarded upon all such judgments to the sheriff or coroner of the said county of Cumberland or Northumberland as the case may be, as if this act had not been made, and it shall and may be lawful for the

justices of the counties of Cumberland or Northumberland respectively aforesaid for the carrying on and obtaining the effects of such suits, to issue any necessary process for such purpose to be directed to the sheriff or coroner of said counties of Cumberland or Northumberland as the case may be, which said sheriffs and coroners are hereby commanded to obey the said process and to make the necessary and usual returns thereof before the court issuing such process as if the party or parties defendant were residing in the same county.

Passed September 19, 1798. Recorded L. B. No. 3, p. 536. See the Acts of Assembly passed April 5, 1790, Chapter 1515; April 9, 1791, Chapter 1561.

CHAPTER MCDXXXVII.

AN ACT TO DIVIDE THE COUNTY [OF] BERKS INTO ELECTION DISTRICTS.

(Section I, P. L.) Whereas the freemen of the county of Berks have by their petitions to this house prayed that the said county may be divided into election districts and it is conceived that [the] same would contribute to their ease in attending their general elections:

[Section I.] (Section II, P. L.) Be it therefore 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 from and after the passing of this act the county of Berks shall be and the same is hereby divided into five election districts for the purpose of holding the general elections of which the borough of Reading and the townships of Alsace, Cumru, Exter, Heidelberg, Brecknoch, Maiden-creek, Carnarvon, Oley, Robinson, Ruscombmanor and the lower part of Bern (the township of Bern to be divided as follows, beginning at a black oak tree standing on the eastern bank of Tulpehocken creek in said township, being a corner of Anthony Shomo and Abraham Stout's land,