

or person prosecuting for the same, the other moiety to the use of the poor of the township where such offender shall reside. 1773.

III. And for the more effectual detecting and punishing offenders against this act: *Be it enacted*, That the constables of each respective township, which shall be bounded by or adjoining to any part of said creek, shall, and they are hereby enjoined and required, under the penalty of twenty shillings, to be recovered as debts not exceeding five pounds are directed by law to be recovered, and to be applied in the manner last aforesaid, carefully and diligently to inspect and view, once at least in every month, after the publication of this act, such parts of the said creek as shall be adjoining to his respective township; and having any knowledge of any offence against this act, shall forthwith give information to the next Justice of the Peace, who shall call such offender before him by warrant or summons, and if, on hearing, he shall appear to be guilty of any offence against this act, the said Justice shall take his recognizance, with one sufficient surety, for his appearance at the next Court of General Quarter Sessions of the Peace to be held for the said county.

Constables to inspect and give information of offences against this act, &c.

IV. *And be it further enacted*, That after the said dams shall be altered or built, agreeable to the true intent and meaning of this act, no person or persons whatsoever shall cast or draw any net or seine in the said creek, at or within the said opening, or within twenty perches above or below the same, under the penalty of five pounds, to be recovered and applied in manner first aforesaid.

Mill-dams, being made agreeable to this act, no person to draw a seine, &c.

V. *Provided always nevertheless*, That nothing in this act contained shall be construed or understood to deprive or hinder any person from drawing a seine or net, for the taking of fish, in any part of the said creek, except in the places last aforesaid.

Proviso.

VI. *And be it further enacted*, That the said creek, so far up as the same has been or can be made navigable for rafts, boats or canoes, shall be, and is hereby declared to be, a public highway.

Shearman's creek to be a public highway.

VII. *Provided always*, That nothing herein contained shall be deemed or taken to prevent the said James Patton, and all persons claiming under him, from erecting and maintaining the aforesaid dam in the manner herein before directed.

Passed 26th February, 1773.—Recorded A. vol. VI. page 6.

## CHAPTER DCLXXVIII.

*An ACT for erecting a part of the county of Bedford into a separate county.*

WHEREAS a great number of the inhabitants of the county of Bedford, on the west side of the Laurel Hill, 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 remedy whereof, *Be it enacted*, That all and singular the lands lying within the province of Pennsylvania, and being within the boundaries following, that is to say; beginning in the province line, where the most westerly branch, commonly called the South of Great Branch of Youghiogeny River crosses the same;

Boundaries of the county.

1773. then down the easterly side of the said branch and river to the Laurel Hill; thence along the ridge of the said hill, north-eastward, so far as it can be traced, or till it runs into the Allegheny hill; thence along the ridge dividing the waters of Susquehanna and the Allegheny river, to the purchase line, at the head of Susquehanna; thence due west to the limits of the province, and by the same to the place of beginning, shall be, and the same is hereby declared to be, erected into a county, henceforth to be called Westmoreland.

Its name.

Privileges granted to it.

II. *And be it further enacted*, That the inhabitants of the said county of Westmoreland 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 and means whatsoever, excepting only in the number of representatives to serve in general assembly of this province, in which case, *It is provided, and further enacted*, 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 Robert Hanna's house, until the court-house shall be built for the said county, 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.

Freeholders to meet and choose inspectors.

One Representative to be elected.

Justices of the Supreme Court to have like powers, &c.

IV. *And be it further enacted*, That the Justices of the Supreme Court of this province shall have like powers, jurisdictions and authorities, within the said county of Westmoreland, 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.

Courts of Quarter Sessions, &c. to be held.

V. *And be it further enacted*, 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 the 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 Westmoreland, on the Tuesdays next preceding Bedford County Courts, in every of the months of January, April, July and October, at the place aforesaid, within the said county of Westmoreland, 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 the 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, 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.

1773.

Time of holding Courts.

Time and place of elections.

Passed 26th February, 1773.—Recorded A. vol. V. page 539. (m)

(m) The sections omitted in this act, related to the collection of taxes previously assessed in the county of Bedford. The appointment of trustees for building a Court House and Prison; the mode of raising money for that purpose; for continuing the suits, previously commenced, in the county of Bedford. The appointment of collector of excise, &c. directing the Sheriff and Coroner to attend at the first election in the new county, personally by one of them, or by deputy. The security to be given by the Sheriff, and providing for running the boundary lines, all of which is now obsolete.

Trustees appointed to purchase land, within certain prescribed limits, for erecting a Court-House and Gaol in Westmoreland County, September 13th, 1785, (chap. 1165,) and see chap. 1246, 1378, and 1808; certain contracts of the trustees confirmed.

Washington county erected March 28th, 1781, (post. chap. 920,) out of part of Westmoreland County.

Fayette County erected out of part of Westmoreland County, September 26th, 1783, (post. chap. 1045,) and another part added thereto, February 17th, 1784, (post. chap. 1057.)

Certain parts of Westmoreland and Washington counties, erected into the county of Allegheny, September 24th, 1788, (post. chap. 1348.)

Butler, Mercer, Crawford, Erie, Warren, Venango, and Armstrong Counties, erected out of certain parts of Allegheny, Westmoreland, Washington and Lycoming counties, March 12th, 1800, (post. chap. 2119.)

Indiana County erected out of certain parts of Westmoreland and Lycoming

Counties, March 30th, 1803, (post. chap. 2363.)

The boundary lines between Westmoreland and Somerset counties ascertained, March 29th, 1798, (post. chap. 1980,) and between Westmoreland and Fayette, by act of March 1st, 1806, (post. chap. 2649.)

The previous boundaries, in the new purchase, between Northumberland and Westmoreland Counties ascertained, April 8th, 1785, (post. chap. 1153, sect. 18.)

By the last enumeration, it appeared that the county of Westmoreland, according to its present boundaries, contained 4374 taxables, and with the counties of Armstrong, Indiana and Jefferson, 6413 taxables. And by the apportionment of representation made in pursuance thereof by an act passed March 21st, 1808, (post. chap. 2931.) This county sends three members to the house of representatives, and with Armstrong, Indiana and Jefferson, one member to the Senate.

By the Judiciary act of February 24th, 1806, this county, with Somerset, Cambria, Indiana and Armstrong, form the 10th Judiciary District, and the Court was directed to be held on the fourth Mondays in March, June, September and December: The term to continue one week. But by an act passed January 30th, 1810, the courts of this county are now directed to be held on the Mondays next preceding the courts in Somerset County, which will now happen on the last Mondays, save one, in the months of February, May, August and November.

This county is part of the Western District of the Supreme Court.

1773.

*Westmoreland* was divided into five election districts, by the act of Sept'r 1785, (chap. 1164.) But in consequence of the erection of *Allegheny* county, several of the districts are new modelled, by act of Sept'r 29th, 1789, (chap. 1444,) and the 4th, 5th and 6th districts are erected and described. Two additional districts erected, Sept'r 30th, 1791, (chap. 1579.)

The place of holding elections in the first district, altered, March 29th, 1792, (chap. 1605)

The 5th district enlarged, Feb'y 21st, 1801, (chap. 2176,) and Jan'y 11th, 1803, (chap. 2296.)

The place of holding elections in the second district, altered, March 12th, 1802, (chap. 2241.)

*Fairfield* and *Donegal* townships, erected into separate districts, April 4th, 1805, (chap. 2599.)

See title, *Westmoreland county*, in the Index to this edition.

## CHAPTER DCLXXX.

*A SUPPLEMENT to the act, entitled An Act for making the river Schuylkill navigable, and for the preservation of the fish in the said river. (n)*

WHEREAS many of the Commissioners appointed in and by the act of General Assembly, passed in the first year of his present Majesty's reign, entitled *An Act for making the river Schuylkill navigable, and for the preservation of the fish in the said river*, are, since the passing of the same, deceased, so that the good regulations and provisions in the said act contained cannot be enforced, to the great detriment of the trade and commerce of this province: *Be it therefore enacted*, That David Rittenhouse, Anthony Levering, John Roberts, miller, William Dewees, junior, David Thomas, James Hockley, Thomas Potts, Mark Bird, James Star, Jacob Kern, and John Pawling, junior, shall be, and they are hereby appointed Commissioners for clearing, scouring and making the river Schuylkill navigable, and for putting in execution all and every other the purposes in the said act mentioned; and that they, or a majority of them, or of the survivors of them, shall have, hold and exercise, all and every the powers, authorities, jurisdictions, rights and privileges, given and granted in and by the said recited act, to the Commissioners therein appointed, and shall be subject to the same duties, to all intents and purposes, as if they had been the Commissioners therein particularly appointed.

II. *And be it further enacted*, That the surviving Commissioners, appointed by the said recited act, shall, and they are hereby enjoined and required, immediately after the passing of this act, to deliver over to the Commissioners herein before appointed, all and every sum and sums of money by them collected and received, and remaining in their hands unappropriated and unapplied\* to the purposes mentioned in the said recited act, together with all books, subscriptions, and other papers, vouchers and accounts, and all tools and implements, which have been provided for opening and clearing

(n) For the original act, see ante. see the note there subjoined. (Note to chap. 465; and for a general reference former edition.)  
to the laws respecting the Schuylkill,

\* In the original the word is erroneously written "applied." (Note to former edition.)

Commissioners appointed for putting the act in execution;

who are to have like powers, &c.

Surviving Commissioners, formerly appointed, to deliver all monies, &c. to the present Commissioners.