

of five pounds forfeiture for every such offense, one moiety thereof to the governor for the support of the government of this province, and the other moiety thereof to such as shall from time to time be appointed to keep the said ferry as aforesaid.

Passed May 10, 1729. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I, and the Act of Assembly passed February 8, 1766, Chapter 533.

---

## CHAPTER CCCVI.

---

AN ACT FOR ERECTING THE UPPER PARTS OF THE PROVINCE OF PENNSYLVANIA LYING TOWARDS SUSQUEHANNA, CONESTOGOE, DONEGAL, &c., INTO A COUNTY.

Whereas a great number of the inhabitants of the upper parts of Chester 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 town of Chester, where the courts of justice are held and the public offices kept; and how hard and difficult it is for the sober and quiet inhabitants of that part of the county to secure themselves against the thefts and abuses almost daily committed upon them by idle and dissolute persons, who resort to the remote parts of the province, and by reason of the great distance from a court or prison do frequently find means of making their escape:

For the removing which inconveniency and relief of the said inhabitants:

[Section I.] Be it enacted by the Honorable Patrick Gordon, Esquire, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That all and singular the lands within the province of Pennsylvania lying to the northward of Octorara Creek and to the westward of a line of marked trees running from

the north branch of the said Octorara Creek northeasterly to the river Schuylkill, be erected into a county, and the same is hereby erected into a county, named and from henceforth to be called Lancaster county; and the said Octorara Creek, the line of marked trees and the river Schuylkill aforesaid shall be [the] boundary line or division between the said county and the counties of Chester and Philadelphia.

[Section II.] And be it further enacted by the authority aforesaid, That the said county of Lancaster shall have and enjoy all and singular the jurisdictions, powers, rights, liberties, privileges and immunities whatsoever which any other county within the province of Pennsylvania doth, 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 the general assembly of this province; in which case,

[Section III]. It is hereby provided and enacted by the authority aforesaid, That until it shall be otherwise ordered by the governor 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 court-house of the said county at the same time the other counties of this province shall meet for such like purpose, or at such place where the courts shall be held, until such court-house shall be erected, and there proceed to choose inspectors and to elect four representatives or delegates to serve them in assembly in the same manner as by the said charter and laws of this province is directed; which said four representatives when so chosen shall be members of the general assembly 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 Lancaster by an 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 Chester 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 the 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 several courts of general quarter-sessions of the peace and gaol delivery and the courts of common pleas for the said county of Lancaster shall be holden and kept on the first Tuesday in the months of February, May, August and November in every year at some proper place within the said county until a convenient 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 the same manner as by the charter of privileges and laws of the province of Pennsylvania is directed to be done in the other counties of this province. And it shall be lawful for the freemen of the said county for the first year to choose three persons for commissioners for raising county rates and levies for the said county.

[Section VI.] And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Caleb Pierce, John Wright, Thomas Edwards and James Mitchell 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 said county, and thereon to erect and build or cause to be erected and built a court-house and prison sufficient to accommodate the public service of the said county for the ease and conveniency of the inhabitants.

[Section VII.] 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 afore-

said, it shall and may be lawful to and for the commissioners and assessors of the said county or a majority of them, who are hereby required, to assess and levy so much money as the 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 raised do not exceed [three] hundred pounds, current money of the province.

[Section VIII.] Provided always, and be it further enacted by the authority aforesaid, That no action or suit now commenced or depending in the county of Chester against any person living within the bounds of the said county of Lancaster 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 Chester 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 obliged to yield obedience in executing of the said writs and make due return before the justices of the court of the said county of Chester as if the parties had been living and residing within the same.

Passed May 10, 1729. Apparently never considered by the Crown, but allowed to become a law by lapse of time, in accordance with the proprietary charter. See Volume III, Appendix V, Section I. As to Section I, see the Acts of Assembly passed August 19, 1749, Chapter 377; January 27, 1749-50, Chapter 380; March 11, 1752, Chapter 392; February 18, 1769, Chapter 593; March 21, 1772, Chapter 644; March 4, 1785, Chapter 1136; February 10, 1801, Chapter 2177; February 16, 1813, P. L. 67; February 21, 1814, P. L. 59; April 15, 1834, P. L. 537; February 13, 1852, P. L. 51; April 2, 1860, P. L. 602.

As to Sections II and III, see the Acts passed March 11, 1751-52, Chapter 396; March 23, 1776, Chapter 717.

As to Section V, see the Acts passed September 13, 1785, Chapter 1175; April 2, 1804, P. L. 450; February 24, 1806, P. L. 334; March 10, 1810, P. L. 69; February 3, 1815, P. L. 22; April 14, 1834, P. L. 333; March 30, 1852, P. L. 207; January 19, 1863, P. L. 3; April 17, 1869, P. L. 1187; March 18, 1875, P. L. 28; August 7, 1883, P. L. (1885) 323.

As to Sections VII and VIII, see the Acts passed February 14, 1729-30, Chapter 310; February 6, 1730-31, Chapter 319; February 19, 1850, P. L. 89; February 13, 1857, P. L. 34.