

at any time, been claimed under what is called the Susquehanna Company, or in any way under the state of Connecticut, for any lands or possessions within this commonwealth.

Passed March 11, 1800. Recorded L. B. No. 7, p. 163, etc.

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## CHAPTER MMCXXX.

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AN ACT TO ERECT CERTAIN PARTS OF ALLEGHENY, WESTMORELAND, WASHINGTON AND LYCOMING COUNTIES, INTO SEPARATE COUNTIES.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That those parts of the counties of Allegheny and Washington, included within the following boundaries, viz.: Beginning at the mouth of Big Sewickly creek, on the Ohio river; thence up the said creek to the west line of Alexander's district of depreciation lands; thence northerly along the said line and continuing the same course to the north line of the first donation district; thence westerly along the said line to the western boundary across the Ohio river to a point in the said boundary, from which a line to be run at a right angle [easterly] will strike White's mill on Racoon creek, and from such point along the said easterly line to the said mill, leaving the said mill in the county of Beaver; thence on a straight line to the mouth of Big Sewickly creek, the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth called Beaver county; and the place of holding the courts of justice shall be at Beavertown, in the said county. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Beaver; and shall receive as a full compensation for their services therein, the sum

of two dollars for every mile so run and marked, to be paid out of the moneys which shall be raised for the county uses, within the county of Beaver.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all that part of Allegheny county, included within the following lines, viz.: Beginning at the mouth of Buffalo creek, on the Allegheny river; thence by a line running due west until it strikes the line of Beaver county; thence north by the line of said county to the northeast corner of said county; thence by a line north thirty-five degrees east fourteen miles; thence by a line running due east, continuing said course to where a line running due north from the mouth of Buffalo creek, the place of beginning, will intersect said line, unless the last mentioned line should first strike the Allegheny river, then and in that case, to run down said river along the several courses thereof until it will intersect said line; thence by said line to the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth called Butler county; and the place of holding the courts of justice in and for said county shall be fixed by the legislature, at any place at a distance not greater than four miles from the centre of the said county, which may be most beneficial and convenient for the said county. And the governor shall be, and he is hereby, empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Butler; and shall receive as a full compensation for their services, the sum of two dollars for every mile so run and marked, to be paid out of the moneys which shall be raised for the county uses, within the county of Butler.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all that part of Allegheny county, which shall be included within the following boundaries, viz.: Beginning at the northeast corner of the county of Beaver; thence north-eastwardly along the line of the county of Butler to the corner of the said county of Butler, and of the county of Venango, hereinafter described; thence northerly on a line parallel to the western boundary of the state to the north line of the fifth donation district; thence at a right angle along said line west-

wardly to the western boundary of the state; thence southerly along the said boundary to the north-west corner of the county of Beaver; thence easterly along the north boundary of the county of Beaver, to the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth called Mercer County; and the place of holding the courts of justice in and for the said county shall be fixed by the legislature, at any place at a distance not greater than five miles from the centre of the said county, which may be most beneficial and convenient for the said county. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Mercer; and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the monys which shall be raised for the county uses, within the county of Mercer.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all that part of Allegheny county, which shall be included within the following boundaries, viz.: Beginning at the northeast corner of Mercer county; thence upon a course north forty-five degrees east, till it intersects the north line of the sixth donation district; thence eastwardly along the said line ten miles; thence at a right angle to the said line northerly to the north line of the eighth donation district; thence westwardly along the said line to the western boundary of the state; thence southerly along the said boundary to the north-west corner of Mercer county; thence eastwardly along the north line of Mercer county, to the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth called Crawford county; and the place of holding the courts of justice in and for the said county shall be at Meadville, provided the inhabitants or proprietors of Meadville, and its vicinity, subscribe and secure the payment of four thousand dollars to the trustees of the county, either in specie, or land at a reasonable valuation, within four months of the passing of this act, for the use of a seminary of learning within said county; and in case of neglect or refusal, the trustees shall, and they are hereby authorized to fix on the seat of justice at any place within four miles

of Meadville. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Crawford; and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the moneys which shall be raised for the county uses, within the county of Crawford.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all that part of Allegheny county, which shall be included in the following boundaries, viz: Beginning at the northeast corner of Crawford county; thence at a right angle [with] the north boundary of the same northerly till it shall intersect the line of the state of New York; thence westwardly along the said line to the south-west corner of the said state; thence northerly by the line of the said state into Lake Erie; thence southwestwardly by the said lake, including so much thereof as is within the jurisdiction of Pennsylvania, until it shall intersect the aforesaid western boundary of the state; thence southerly by the said boundary to the north-west corner of Crawford county; thence along the north line of the said county, to the place of beginning, be, and the same is hereby erected into a separate county, to be henceforth called Erie county; and the place of holding the courts of justice in and for the said county shall be at the town of Erie.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That so much of the counties of Allegheny and Lycoming, as shall be included within the following boundaries, viz.: Beginning at the south-east corner of Crawford county in the north line of the sixth donation district; thence the course of the said line eastwardly across the Allegheny river, until it shall intersect the line dividing Johnston's and Potter's districts, in the county of Lycoming; thence northerly along the said line to the line of the state of New York; thence westwardly along the line of the said state to the corner of Erie county; thence southerly by the eastern boundaries of the counties of Erie and Crawford, to the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth

called Warren County; and the place of holding the courts of justice within the said county shall be at the town of Warren, in the said county. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Warren; and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the moneys which shall be raised for the county uses, within the county of Warren.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That so much of the counties of Allegheny and Lycoming, as shall be included within the following boundaries, viz.: Beginning at the northeast corner of Mercer county; thence on the first line or course of Crawford county until it shall intersect the north line of the sixth donation district, being the same as the first line of the said county of Crawford; thence eastwardly upon the said line of the sixth donation district, along the boundary of the counties of Crawford and Warren, and crossing the river Allegheny to the line dividing Wood's and Hamilton's districts, in the county of Lycoming; thence southerly along the said line to Toby's creek; thence down the said creek to the river Allegheny; thence across the said river, and upon the line of Armstrong county hereinafter described, to the north-east corner of the county of Butler; thence westwardly by the north line of the said county to the corner of Mercer county; thence northerly along the line of Mercer county, to the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth called Venango County; and the place of holding the courts of justice in and for the said county shall be at the town of Franklin, in the said county. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run and ascertain, and plainly mark, the boundary lines of the said county of Venango; and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the moneys which shall be raised for the county uses, within the county of Venango.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That so much of the counties of Allegheny, Lycoming and Westmoreland, as shall be included within the following boundaries, viz.: Beginning on the Allegheny river, at the mouth of Buffalo creek, the corner of Butler county; thence northerly along the line of the said county of Butler to the north-east corner of the same, supposed to be at the Allegheny river, and if the north-east corner of the said county of Butler shall not strike the Allegheny river, then from the said corner, on a line at a right angle from the first line of the county of Butler, until the said line shall strike the Allegheny river; thence by the western margin of the said river to the mouth of Toby's creek; thence crossing the river and up the said creek to the line dividing Wood's and Hamilton's districts; thence southerly along the said line to the present line of Westmoreland county; thence south thirty-five degrees west to the Kiskiminitas river; thence down the said river to the mouth thereof, on the Allegheny river; thence across the said river to the westwardly margin thereof; thence down the said river to the mouth of Buffalo creek, the corner of Butler county, the place of beginning, be, and the same is hereby, erected into a separate county, to be henceforth called Armstrong County; and the place of holding the courts of justice in and for the said county shall be fixed by the legislature, on the Allegheny river, at any place at a distance not greater than five miles from the Old Kitanning town, which may be most beneficial and convenient for the same. And the governor shall, and he is hereby empowered to appoint three commissioners, any two of which shall run, ascertain and plainly mark the boundary lines of the said county of Armstrong; and shall receive as a full compensation for their services therein, the sum of two dollars for every mile so run and marked, to be paid out of the moneys which shall be raised for the county uses, within the county of Armstrong. And for the present convenience of the inhabitants of the said county of Armstrong, until an enumeration of the taxable inhabitants of the said county shall be made, and it shall be otherwise directed by law, the said county of Armstrong shall be, and the same is hereby, annexed to the county of Westmoreland; and the jurisdiction of the

several courts of the county of Westmoreland, and the authority of the judges thereof, shall extend over and shall operate and be effectual within the said county of Armstrong. And that part of Armstrong county westwardly of the Allegheny river, shall form an election district; and the inhabitants thereof shall hold their elections at the house now occupied by John Smith, Esquire. And the inhabitants of that part of the county of Butler, within Elder's district of depreciation lands, who heretofore held their elections at the town of Freeport, shall be annexed to the district known by the name of M'Clure's district, and vote with the inhabitants thereof, at the house now occupied by Andrew M'Clure. And the inhabitants of that part of Butler county, included in any of the donation districts, who heretofore held their elections at the town of Freeport, shall be annexed to what is called Buchanan's district, and vote with the inhabitants thereof.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the commissioners to be appointed in conformity to this act to run, ascertain and mark the boundary lines of the counties contained in this act, are hereby enjoined and required to run and mark the boundary lines of said counties on or before the fifteenth day of June next. And the assistants to be appointed by the commissioners to take the enumeration of the taxable inhabitants, included in the bounds in any of the counties aforesaid, shall make a separate and accurate return of all the taxable inhabitants included in the bounds of each county, agreeably to law. And for the present convenience of the inhabitants, until an enumeration of the taxable inhabitants within the aforesaid counties, respectively, shall be made, and it shall be otherwise directed by law, the counties of Beaver and Butler shall remain with the county of Allegheny, and be a part thereof, as heretofore, and the authority of the judges thereof shall continue over the same. And the counties of Crawford, Mercer, Venango, Warren and Erie shall form one county, under the name of Crawford county, and the inhabitants thereof shall enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever, within the same, which the inhabitants of other counties of this state do, may or ought to enjoy

within their respective counties, and under the same rules, laws and regulations shall, at the ensuing general and other elections, elect such officers as they by law and the constitution are entitled to; and the sheriffs, treasurers, and all such officers as have heretofore usually given bail for the faithful discharge of their respective offices, who may hereafter be elected or appointed in the said county of Crawford, before they, or either of them, shall enter upon the execution of their respective offices, shall give sufficient security in the like sums, in the like manner and form, and for the like uses, trusts and purposes, as such officers are obliged by law, for the time being, to do in the county of Allegheny.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the judges of the supreme court, and the president of the fifth district, of which district the said county of Crawford is hereby declared to be part, as well as the associate judges, who shall be commissioned in and for the county of Crawford, shall have like powers, jurisdictions and authorities within the same, as are warranted to and exercised by the judges in other counties, by the constitution and laws of this state.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That no action or suit now commenced, or that may be commenced before the first day of June next, within any of the counties of Westmoreland, Washington, Allegheny or Lycoming, against any person or persons, living or residing within their present respective bounds, and which by this act are made part of any of the before described counties, shall be stayed, discontinued or affected by this act, or anything herein contained, but the same may be prosecuted to judgment and execution, with the like effect and in the same manner, as if this act had not passed.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That until an enumeration of the taxable inhabitants shall be made within the before described counties, respectively, and it shall be otherwise directed by law, the inhabitants of the counties of Allegheny, Beaver, Butler, Mercer, Crawford, Erie, Warren and Venango, shall jointly



elect two representatives to serve in the house of representatives of this state, in the same manner, and under the same regulations, as is directed by the existing laws of this state, for conducting and making return of the election of Allegheny. And the said counties, together with the counties of Washington and Greene, shall continue to be a district for the election of senators as heretofore; and the inhabitants of the county of Armstrong, shall jointly with the county of Westmoreland, elect three representatives, and be also annexed to the same district as the said county of Westmoreland, for the election of state senators and representatives in congress. And that part of Washington county which by this act is annexed to the county of Beaver, shall, for the present, and until it shall be otherwise directed by law, be annexed to, and is hereby declared to be part of Allegheny county, and be subject to the jurisdiction of the several courts of the said county of Allegheny. And the inhabitants included within the following bounds, viz.: Beginning at the south branch of Tomlinson's run on the state line; thence by a straight line to Parkinson's, on the road from Georgetown to White's mill; thence by a straight line to the Ohio river, opposite to the mouth of Wolf run; thence across said river up Wolf run to the head of the north-west branch thereof; thence by a straight line to Ruel Reed's; thence west to the state line; thence by said line to the beginning, shall be a separate election district; and the electors thereof shall hold their elections at the house now occupied by Samuel Lyon, in Georgetown; and the inhabitants of that part formerly Washington, now Beaver county, not included in the aforesaid district, shall be annexed to the election district which is held at the house of Samuel Wilson. And the inhabitants of such parts of the counties of Beaver and Mercer, as are comprehended within the first and second districts of donation lands, shall be a separate election district, and hold their elections at the house now occupied by John Elliott; and the inhabitants of that part of Mercer county, as are comprehended within the third, fourth and fifth districts of donation lands, shall be a separate election district, and hold their

elections at the house now occupied by Benjamin Stokely, in the said district, anything in any former law to the contrary notwithstanding.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That as soon as it shall appear, by an enumeration of the taxable inhabitants within the counties of Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango and Armstrong, that any of the said counties, according to the ratio which shall then be established for apportioning the representation among the several counties of this commonwealth shall be entitled to a separate representation, provision shall be made by law for apportioning the said representation, and enabling such county to be represented separately, and to hold the courts of justice at such place in the said county as is, or hereafter may be fixed for holding the same by the legislature, and to choose their county officers, in like manner as in the other counties of this commonwealth. Provided nevertheless, That if all the counties at present composing the county of Crawford shall, upon such enumeration, appear to be entitled to choose one or more representatives, then and in that case provision shall be made by law, apportioning the representation, and allowing the said county of Crawford to be represented separately from the county of Allegheny, notwithstanding any one of the said counties now composing the county of Crawford, may not be entitled to a separate representation.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the county commissioners of the county of Crawford, who shall be elected at the next annual election, to take assurance to them and their successors in office, of such lot or piece of ground as shall be approved of by them, for the purpose of erecting thereon a court house, gaol and offices for the safe keeping of the records; and that for defraying the expenses thereof, the county commissioners shall assess and levy, in the manner directed by the act for raising county rates and levies, a sum not exceeding five thousand dollars in any three years; and David Meade, Frederick Hamaker and James Gibson, are hereby appointed trustees for the said county of Crawford, with full au-

thority for them, or a majority of them, to purchase, or take and receive by grant, bargain or otherwise, all such assurances for the payment of money and grants of land, or other property, that may be offered to them, or the survivors or survivor of them, in trust for the use and benefit of said county, and to sell and convey such part thereof, either in town lots or otherwise, as to them or a majority of them shall appear advantagious and proper, and to vest one moiety of the net proceeds thereof in some productive property, to be a fund for the support of an academy or public school, at the county town in the said county, and to apply the other moiety thereof in aid of the county rates and levies, for the purpose of erecting the public buildings aforesaid. And Jonathan Coulter, Joseph Hemphill and Denny M'Lure, are hereby appointed trustees for the county of Beaver, and Judah Colt, Thomas Rees and John D. Hay, for the county of Erie, and William Miles, Thomas Miles and John Andrews, for the county of Warren, and George Fowler, Alexander M'Dowell and James M'Clarion, for the county of Venango, with like powers and authorities, and for the same trusts and purposes within their counties respectively; and Adiel M'Lure, James Amberson and William Elliott, are hereby appointed trustees for the county of Butler, and Benjamin Stokely, William M'Millan and John Williamson, for the county of Mercer, and John Craig, James Sloan and James Barr, for the county of Armstrong, who shall receive proposals, in writing, from any person or persons, or any bodies corporate or politic, for the grant or conveyance of any lands within the said counties respectively, and within the limits of this act, for fixing the place of holding courts of justice in the said counties respectively; and when the place for holding the courts of justice in the said counties, respectively, shall be fixed by the legislature, to take assurances in the law for the lands contained in any such proposal, which shall or may be accepted of, under the same trusts, and for the same uses and benefits, within the said counties respectively, as are before declared with respect to the county of Crawford.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That whenever the boundary lines of any of the said counties shall be the boundary lines of the state,

the said lines being already known and established, the same shall not be run by any of the commissioners appointed by this act; and when any line shall be run and ascertained, and marked, by any of the commissioners, which shall be the dividing line between two counties, the said line shall not be run a second time, but the commissioners who shall first attend and perform the said service shall be entitled to the compensation therefor, which shall in such cases be paid equally by the counties separated by the said line, unless it should happen to be a line of Washington, Allegheny, Westmoreland or Lycoming.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the county of Allegheny shall have power, and are hereby authorized to assess and levy county rates and levies, for county uses and purposes, in the counties of Beaver and Butler; and the commissioners of Crawford shall have power, and are hereby authorized to assess and levy county rates and levies, for county uses and purposes, in the counties of Mercer, Erie, Warren and Venango; and the commissioners of Westmoreland shall have power, and are hereby authorized to assess and levy county rates and levies, for county uses and purposes, in the county of Armstrong; and the said commissioners and treasurers of the counties of Allegheny, Westmoreland and Crawford, respectively, shall open an account for each county, from which such rates and levies shall be raised and collected, and shall respectively pay [out of the moneys raised and collected in each county respectively] all the expenses of assessing, levying and collecting the same therein, together with the expenses of running the boundary lines, and the expenses of ignoramus bills, and other costs of prosecution, chargeable to the county, which shall be exhibited against persons residing and inhabiting the said counties, respectively, and also all rewards for wolf scalps, and animals of prey, for which a reward is or shall be given by law, destroyed in the said counties, respectively; and that the remainder or surplus thereof shall be applied to and for the use of the county in which the same shall be raised. That all the county taxes, which have or shall be assessed for the current year by the commissioners of

Allegheny county, in that part now struck off and included within the lines of the several counties now formed, shall be and remain for the use of the county in which such sum is or shall be assessed.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the governor is hereby empowered to direct the surveyor general to cause to be laid off by actual survey, out of the reserved tract adjoining the town of Beaver, the quantity of five hundred acres of land, for the use of such school or academy, as may hereafter be established by law in the town of Beaver, which survey shall be returned to the office of the surveyor general, and a patent shall thereupon issue to the trustees of the county of Beaver and their successors, for the said quantity of five hundred acres, so surveyed and laid off for the use and trust aforesaid.

Passed March 12, 1800. Recorded L. B. No. 7, p. 137, etc.

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## CHAPTER MMCXXXI.

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AN ACT DECLARING THE POWER AND AUTHORITY GIVEN BY ANY LAST WILL AND TESTAMENT TO EXECUTORS TO SELL AND CONVEY REAL ESTATES, TO BE AND REMAIN IN THE SURVIVORS OR SURVIVOR OF THEM, UNLESS OTHERWISE EXPRESSED IN THE WILL OF THE TESTATOR, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas doubts have arisen in the construction of those existing laws of this commonwealth, which relate to the power which executors and administrators, with the will annexed, have to sell and convey the estates of their testators. And whereas the importance of the subject requires that those laws should be so explained and amended, that persons appointed to execute the last wills and testaments of decedents may know the extent of their powers, and be enabled fully to execute their respective trusts. Therefore: