

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a Session which commenced October 14th, 1749,
and ended 18th, August 1750.

JAMES HAMILTON, LIEUTENANT GOVERNOR.

1749-50.

CHAPTER CCCLXXX.

An ACT for erecting part of the province of Pennsylvania, westward of Susquehanna, and northward and westward of the county of York, into a county.

WHEREAS a great number of the inhabitants of the western part of Lancaster 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 borough of Lancaster, where the courts of justice are held, and the public offices are kept, and how hard and difficult it is for the sober and quiet part of the inhabitants of that part of the county to secure themselves against thefts and abuses, frequently committed amongst them by idle and dissolute persons, who resort to the remote parts of the province, and, by reason of the great distance from the court or prison, frequently find means of making their escapes: For remedying of which inconveniences, and relief of the inhabitants in the premises, *Be it enacted*, That all and singular the lands, lying within the province of Pennsylvania aforesaid, to the westward of Susquehanna, and northward and westward of the county of York, be and hereby are erected into a county, named, and hereafter to be called CUMBERLAND; bounded northward and westward with the line of the province, eastward partly with the river Susquehanna, and partly with the said county of York, and southward in part by the said county of York, and part by the line dividing the said province from that of Maryland.

II. *And be it further enacted*, That the inhabitants of the said county 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 pro-

Boundaries
of the county of Cumberland.

The inhabitants to elect two representatives in assembly.

1749-50. vince do, 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 general assembly of this province, in which case it is *provided, and further enacted*, 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 place where the court-house is intended to be built for the said county, at the same time the inhabitants of the other counties of this province shall meet for like purposes, and there proceed to choose inspectors, and to elect two representatives, or delegates, to serve them in assembly, in the same manner as by the charter and laws of this province is directed in respect to other counties; which said two representatives, when so chosen, shall be members of the general assembly of the province 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.

Jurisdiction
of the Su-
preme Court
and

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 Cumberland, as by law they are vested with, and entitled unto, in the other counties within the province aforesaid; 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 the counties aforesaid.

County court
established.

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 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 Cumberland on the third day of the week, commonly called Tuesday, next preceding the courts held for the county of York, in the months called April, July, October, and January, in every year, at some proper place within the said county, 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 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 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. 1749-50

Passed 27th January, 1749-50.—Recorded A. vol. III. page 213. (n)

(n) See the notes to the preceding act, relating to the county of York. The sections omitted are the same in form and substance, except the 13th section, and are all obsolete. The 13th section authorized the trustees of York and Cumberland to run the boundary lines, which are further explained by chap. 387, post.

The boundaries of Cumberland have been since greatly abridged. 1st, by the erection of the county of Bedford, March 9th, 1771, (post. chap. 629.) 2d, by the erection of Northumberland, March 21st, 1772, (post. chap. 644.) 3d, by the erection of Franklin county, September 9th, 1784; and finally, by the erection of Mifflin county, September 19th, 1789, (post. chap. 1425,) and by chap. 593, commissioners were appointed to run the lines between Lancaster, Cumberland and Berks.

By the last enumeration, the county of Cumberland contained four thousand four hundred and eighty-three taxables, and by the act of Assembly of March 21st, 1808, (chap. 2931,) apportioning the representation, sends three members to the house of representatives, and one member to the senate.

By the act of September 1785, (chap. 1164,) the county of Cumberland was divided into four election districts.

By act of September, 10th, 1787, (chap. 1290, sect 3,) the townships of Greenwood and Rye, were made the

sixth election district. Rye, and part of Greenwood, by act of March 21st, 1797, (chap. 1922.)

The division of Mifflin county, having taken away part of the old districts, by act of April 4th, 1792, the township of Newton, and part of West Pennsborough are made a district, and called the fifth district. April 15th, 1795, (chap. 1328,) East Pennsborough and Allen townships are made a separate district. Place altered, January 13th, 1803, (chap. 2298.)

The place of holding elections in Juniata, Greenwood, and part of Buffalo altered March 8th, 1802, (chap. 2238)

Tyrone, and Geboyne townships erected into two separate districts, March 21st, 1803, (chap. 2340.)

Buffaloe township made a district, February 11th, 1805, (chap. 2528.)

By the Judiciary act of February 24th, 1806, (chap. 2634,) the counties of Cumberland, Adams, and Franklin compose the ninth district; the terms continue one week, and are held in Cumberland on the first Mondays of January, April, August and November.

The borough of Carlisle was established April 13th, 1782, (chap. 958,) amended by a supplement April 19th, 1794, (chap. 1744.)

Dickinson College established at Carlisle, September 9th, 1783, (chap. 1018.)

CHAPTER CCCLXXXIV.

An ACT for barring estates tail.

FORASMUCH as the entailing of estates within this province, without a provision by law for barring them, would introduce perpetuities, prevent the improvement of such estates, disable tenants in tail to make provision for the younger branches of their families, prove of general detriment to the province, and be attended with manifold inconveniences. For preventing whereof for the future,

Be it enacted, That fines and common recoveries heretofore levied and suffered within the province of Pennsylvania, or which shall at any time or times hereafter be levied or suffered within the said province, duly, and according to the common or statute laws of England, either in the Supreme Court of Judicature within the said province, or in any of the County Courts for holding of Pleas, within the said province respectively, in which the houses, lands, tenements, or hereditaments entailed, do or shall lay, shall be and

Fines and recoveries heretofore and hereafter suffered to be valid.