

## CHAPTER MDCCCL.

1795.

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

WHEREAS the inhabitants of the western part of Bedford county have, by their petitions, set forth to the General Assembly of this state the great hardships they labour under from being so remote from the present seat of justice, and the public offices: For remedy whereof,

SECT. I. *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 all that part of Bedford county, lying and being to the westward of a line to be drawn along the top of the Allegheny mountain, from where the Maryland line crosseth the same to where the line of Huntingdon county crosseth the same mountain, shall be, and the same is hereby, declared to be erected into a county, henceforth to be called Somerset.

The county of Somerset erected, and its boundaries described.

SECT. II. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Somerset be entitled, and shall at all times hereafter have all and singular the courts, jurisdictions, offices, rights and privileges, to which the inhabitants of other counties of this state are entitled by the constitution and laws of this state.

The rights and privileges of the inhabitants of the new county the same as in other counties.

SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the fourth Monday in September next, the Courts of Common Pleas and General Quarter Sessions of the Peace in and for the said county of Somerset shall be opened and held on the Mondays next following the courts of Westmoreland county, at Brunnerstown, in the said county of Somerset, until a court-house and gaol shall be erected as herein after directed, and shall then be held at said court-house.

When and where the county courts shall be held.

SECT. IV. *And be it further enacted by the authority aforesaid,* That all the Justices of the Peace now commissioned for the districts of the present county of Bedford, who reside within the limits of the county of Somerset, shall be considered as, and shall be, Justices of the Peace for the said county of Somerset.

Of the Justices of the Peace in the new county.

SECT. V. *And be it further enacted by the authority aforesaid,* That no suit or prosecution which has been heretofore commenced, or which shall be commenced in the courts of the county of Bedford, before the fourth Monday in September next, shall be delayed, discontinued or affected by this act, but the same shall proceed to judgment, and execution shall be issued and done of all such judgments by the Sheriff and Coroner of Bedford county, as if this act had not been made.

Of process now depending in the courts.

SECT. VI. *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 county of Somerset, before the passing of this act, shall be laid, assessed, levied and collected, in like manner as if this act had not been passed; and all sums of money due to this commonwealth for militia fines in the said county of Somerset shall be collected and recovered, as if this act had not been made.

Of levying taxes and collecting militia fines within the new county.

1795.

Of official security to be given by the county officers.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the Sheriff, Treasurer and Prothonotary, and all such officers as have heretofore usually given surety for the faithful discharge of their respective offices, who shall hereafter be appointed or elected in the said county of Somerset, before they, or any of them, shall enter on the execution of their respective offices, shall give sufficient security, in the same manner and form, and for the same uses, trusts and purposes, as such officers are obliged by law, for the time being, to do in the county of Bedford.

The public officers of Bedford county to act, till others are appointed for the new county.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the Sheriff, Coroner, and public officers of the county of Bedford, other than the Justices of the Peace, shall continue to exercise the duties of their respective offices within the county of Somerset, until similar officers shall be appointed agreeably to law within the said county of Somerset.

Of the election of Representatives in the State Legislature.

[Altered.]

[SECT. IX. *And be it further enacted by the authority aforesaid,* That the inhabitants of the county of Bedford and the county of Somerset shall jointly elect three representatives, to serve in the House of Representatives of this state, in the same mode, under the same regulations, and make return in the like manner, as is directed by the existing laws of this state for conducting the elections and making returns of the elections of the county of Bedford, any thing in this act to the contrary in anywise notwithstanding.]

Commissioners to be appointed to fix the county town;

and to make report.

Their compensation.

[Obsolete.]

[SECT. X. *And be it further enacted by the authority aforesaid,* That the Governor be authorized, and he is hereby required to appoint five commissioners who do not reside in the county of Somerset, which commissioners, or a majority of them, shall meet at the town of Berlin on the first Monday of September next, and proceed to view and determine upon the most eligible and proper situation for erecting the public buildings for the said county, and make their report into the office of the Secretary of this commonwealth, on or before the first day of October next, which report so made shall be final, and shall fix and determine the spot for the seat of justice in and for the said county; for which service each of the said commissioners shall have and receive three dollars per diem, for every day they shall be employed in the said service, to be paid by warrants drawn by the county commissioners on the Treasurer of Bedford county.]

The county commissioners to take assurance of the lot for public buildings.

How the costs shall be paid.

SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of taxes of the said county, which 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 have been approved of by the commissioners to be appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a Court-House, Gaol, and offices for 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 acts for raising county rates and levies, a sum not exceeding two thousand dollars.

The new county included in the fifth district of Courts of

[SECT. XII. *And be it further enacted by the authority aforesaid,* That the aforesaid county of Somerset shall be, and is hereby, declared to belong to the fifth district, consisting of the counties of

Allegheny, Westmoreland, Fayette and Washington, and that the President of the Courts of Common Pleas within the said district shall be President of the Courts of Common Pleas of the said county.] 1795.

Common Pleas. [Altered.]

[SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said county of Somerset shall form a part of the district composed of the counties of Bedford, Franklin and Huntingdon, for the election of a member of Congress, and of the counties of Bedford and Huntingdon, for the election of a member of the Senate of the state of Pennsylvania.]

Of the election of Representatives in Congress, and Senators in the State Legislature. [Altered.]

SECT. XIV. *And be it further enacted by the authority aforesaid,* That where the division line aforesaid shall divide a township, the part of a township thus divided that will remain in Bedford county shall be a township, and retain its original name, and the part of a township thus divided that will remain in the county of Somerset shall be a township, and retain its original name, until the same shall be altered by the Courts of General Quarter Sessions of the Peace for the said counties respectively.

Of townships divided by drawing the county lines.

SECT. XV. *And be it further enacted by the authority aforesaid,* That the inhabitants of the several townships of the said county of Somerset, qualified by law to elect, shall continue to hold their elections at the usual place where they have heretofore held the same.

Where the elections shall be held.

[SECT. XVI. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Somerset, elected in pursuance of the directions of this act, shall be authorized, and they are hereby authorized, required and directed, to take a faithful and accurate account of all the taxable inhabitants in the said county of Somerset, and make return thereof, under their hands and seals, to the Legislature of this commonwealth, on or before the first day of February, one thousand seven hundred and ninety six.]

A return of the taxable inhabitants of the new county to be made before the first of February, 1796.

(Obsolete.)

[SECT. XVII. *And be it further enacted by the authority aforesaid,* That from and after the fourth Monday in September next, the Courts of Common Pleas and of General Quarter Sessions of the Peace, for the county of Fayette, shall be held on the Mondays next following the Courts of Somerset county, and the same courts for the county of Washington shall be held on the Mondays next following the Fayette county court.] (r)

The times of holding courts in Fayette and Washington altered.

(Obsolete.)

Passed 17th April, 1795.—Recorded in Law Book No V. page 446.

(r) Commissioners appointed to run the lines between Huntingdon and Somerset; and to mark part of the line between Westmoreland and Somerset, by act of 29th March, 1798, (chap. 1980.)

Part of Bedford county annexed to Somerset, by act of 1st March, 1800, (chap. 2100.)

The commissioners of the county authorized to sell four lots of ground, and appropriate the proceeds to the use of the county, by act of 21st Feb'y, 1803, (chap. 2323.)

Sheriff of Somerset to give security in the sum of five thousand dollars, and the Coroner in one fourth of that sum, by act of 28th March, 1803, (chap. 2355.)

Part of Somerset taken into Cambria county, by act of 26th March, 1804, (chap. 2466.)

The inhabitants of Cambria, to elect with Somerset county, by act of 4th April, 1805, (chap. 2592.)

The powers of the commissioners extended to the county of Cambria, &c. obsolete, by the subsequent organization of Cambria county—see acts of 3d Feb'y, 1806, (chap. 2629,) and 26th Jan'y, 1807, (chap. 2736.)

An academy established at Somerset, by act of 19th March, 1810.

The sixth election district established, and the place of election in part of Quemahoning township, altered by act of 7th Jan'y, 1801, (chap. 2148.)

1795.

Southampton township erected into a separate district, by act of 15th Jan'y, 1802, (chap. 2208.)

Conemaugh township erected into a separate district, by act of 13th Feb'y, 1802, (chap. 2229.) See also act of 4th April, 1805, (chap. 2599. § 23.)

Milford township erected into a separate district, by act of 17th Jan'y, 1803, (chap. 2300.)

Part of Stoney creek township annexed to other districts; Elk Lick township erected into a separate district, and Addison township erected into a separate district, by act of 7th Jan'y, 1804, (chap. 2393.)

The place of holding elections in Southampton township altered, by act of 20th Feb'y, 1804, (chap. 2423.)

Place of holding elections in Elk Lick township changed, by act of 31st March, 1806, (chap. 2715, § 22.)

Allegheny township erected into a separate district; and place of holding elections in Conemaugh District changed, by act of 28th March, 1808, (chap. 2972, § 24-25.)

Places of holding elections in Southampton—Brothers Valley and part of Stoney creek, and Conemaugh townships, changed by act of 4th April, 1809.

Place changed in Brothers Valley and part of Stoney creek townships, by act 20th March, 1810.

By the last enumeration, the county of Somerset contained one thousand nine hundred and twenty-five taxables, and Cambria county, four hundred and thirty taxables. These counties united, therefore send two members to the house of representatives; and with the county of Bedford, one member to the senate, by act of 21st March, 1808, apportioning the representation in pursuance thereof.

Somerset, Cambria, Indiana, Armstrong and Westmoreland counties form the tenth Judiciary district, by act of 24th Feb'y, 1806, (chap. 2634.) The courts in Somerset are held on the last Mondays in Feb'y, May, August and November. The term continues one week.

Somerset forms part of the western district of the Supreme Court.

## CHAPTER MDCCCLXII.

(Antc. pa. 82.)

*An ACT to enable the President, Managers and Company of the Philadelphia and Lancaster turnpike road to increase the width of the said road, in certain cases.*

SECT. I. *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, the President, Managers and company of the Philadelphia and Lancaster turnpike road be, and they are hereby authorized and empowered, whenever the turnpike road has been laid out on the ground of any road heretofore laid out and opened of a greater width than fifty feet, to increase the width of the said turnpike road to the same extent, on the same ground as the former road had been laid out and opened; provided the same shall not exceed sixty-eight feet.*

The width of the Lancaster turnpike road, where it runs on a former road, may be increased, not exceeding sixty-eight feet.

And also in other places, with the consent of the owners of the ground.

SECT. II. *And be it further enacted by the authority aforesaid, That in such other places as the said President, Managers and Company shall deem it necessary, and the owners of the land shall be willing to sell them the ground requisite therefor, they be, and hereby are, in like manner authorized and empowered to increase the width of the said road, so as not to exceed sixty-eight feet: Provided always, That the said additional width of the road shall be under the same regulations, and kept in good and perfect order and repair, under the same forfeitures and penalties, as the other parts of the said road by law are subject to.*

The additional width to be kept like the other parts of the road.

Toll eastward of Five Mile or Indian creek, to be no more than for the

SECT. III. *Provided always, and be it further enacted by the authority aforesaid, That it shall not be lawful for the said turnpike company, from and after the passing of this act, to ask, demand or receive from or for any persons or things passing along the said*