

CHAPTER CCV.

AN ACT FOR CORROBORATING THE CIRCULAR LINE BETWEEN THE
COUNTIES OF CHESTER AND NEWCASTLE.

Whereas the late King Charles the Second, by his royal charter under the great seal of England, bearing date the fourth day of March, in the thirty-third year of his reign, did grant unto William Penn, Esquire, his heirs and assigns, a certain tract or part of land in America bounded on the east by Delaware River, from twelve miles distance northward of Newcastle town, unto the forty-third degree of northern latitude; bounded on the south by a circle drawn at twelve miles distance from Newcastle, northward and westward unto the beginning of the fortieth degree of northern latitude; which said tract of land by the said charter is erected into a province called Pennsylvania, and the said William Penn constituted Proprietary and Governor of the said province, as by the said charter may appear:

And whereas the said late King by his royal charter under the great seal of England did grant to his brother James, then Duke of York, his heirs and assigns, all the said town of Newcastle, otherwise called Delaware and [fort therein] or thereunto belonging, situate between Maryland and New [Jersey in] America; and all that tract of land lying within the compass [or circle] of twelve miles about the said town, with divers great powers and privileges therein mentioned; which said town, fort and tract of land, lying and being as aforesaid with their appurtenances, the said James, Duke of York, did (amongst other things) grant and confirm to the said William Penn, his heirs and assigns, as by the last-mentioned grant may at large appear:

And whereas the said town and tract of land being afterwards made and called the county of Newcastle, the said proprietary, at the special instance and request of divers inhabitants of the said counties of Newcastle and Chester, did issue

forth his warrant under the provincial seal, bearing date the twenty-eighth day of October, one thousand seven hundred and one, directed to Thomas Pierson, surveyor of the said county of Newcastle, and Isaac Taylor, surveyor of the said county of Chester, [whereby they] were empowered and required to accompany the magistrates of the [said two] counties, or any three of them, within forty days after the date of the said warrant, to admeasure and survey from the said town of Newcastle the distance of twelve miles on a right line up the said river Delaware; and from the said distance to divide between the two said counties, by a circular line, extending according to the said King's letters patent and deeds of feoffment; and that the said circular line should be well marked, two-third parts of the semi-circle, as by the said warrant may more fully appear.

In pursuance of which warrant the said surveyors, on the twenty-fifth day of November, one thousand seven hundred and one, at Newcastle aforesaid, met, with Cornelius Empson, Richard Halliwell and John Richardson, then justices of the said county of Newcastle, and Caleb Pusey, Philip Roman and Robert Pyle, justices of the said county of Chester, who unanimously concluded and agreed that in order to admeasure and survey the said twelve miles distance from Newcastle town, for dividing the said two counties, according to the said proprietor's warrant, the beginning should be at the end of the Horse Dyke, next the said town of Newcastle; [and] from thence to measure due north the said distance of twelve miles; and at the extent thereof to run the circular line, first eastward down to the said river Delaware, and then to return to the said extent of twelve miles north; and from thence to run the said circle westward, until it should complete the two-third parts of the said semi-circle.

And accordingly on the twenty-sixth day of November, they the said surveyors, in the presence of the said justices, did begin at the said end of the Horse Dyke, and measure due north twelve miles to a white oak marked with twelve notches, standing on the west side of Brandywine Creek, in the land of one Israel Helm; and from the said oak they went eastward,

circularly, changing their course from the east, southward one degree at the end of every sixty-seven perches, which is the chord of one degree to twelve miles radius; and at the end of forty-three chords they came to Delaware River at the upper side of Nathaniel Lamplugh's old house at Chichester; and then they returned to the said white oak in Israel Helm's land; and from thence they went westward, changing their course one degree from the west, southward, at the end of every sixty-seven perches, as before, until they had extended seventy-seven chords (which being added to the said forty-three chords, makes two-third parts of the semi-circle, to a twelve miles radius); all which said circular line being well marked with three notches on each side the trees, to a marked hickory, standing near the western branch of Christiana Creek, was [completely] finished on the fourth day of December, in the said year one thousand [seven hundred] and one, certified and subscribed the same day by the said Cornelius [Empson], John Richardson, Caleb Pusey, Philip Roman and Robert Pyle, and also by the said surveyors, as by the said certificate and surveyors' return, remaining in the surveyor-general's office at Philadelphia, may more fully appear.

And although the said circular line takes in some taxables who theretofore were reputed to be of the said county of Chester, and leaves out others who had been reputed of Newcastle county, yet the inhabitants of Chester county acquiesced with the said line and ever since observed it as the proper division of the said two counties; but divers of the said county of Newcastle would avoid the same and extend their bounds beyond their proper limits most wrongfully, suggesting that the said circular line was run without warrant or law, and under that pretense have presumed to lay [an assessment] upon divers of the inhabitants of the said county of Chester. [Therefore] to prevent the ill consequences that may attend the [levying of the] said assessments, and to the end it may be known to all that the bounds of Newcastle county can extend no further towards Chester than twelve miles northward of Newcastle town; and that the said circular line was drawn or run as aforesaid, by consent of a competent number of the magistrates of

each county, and by express order and warrant of the said proprietary, being then and yet the lord of the fee in both the said counties:

[Section I.] We desire that it may be enacted, and be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, 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 the said circular line so drawn and certified in manner aforesaid is hereby confirmed, and shall be and is hereby declared to be the division line between the said county of Newcastle and the county of Chester, so far as the same extends and is marked as aforesaid; and all the lands, tenements and hereditaments lying or being without, or northward of the said circular line, shall forever be deemed and taken as parts and members of the said county of Chester; and that the inhabitants thereof, shall do their suits and services to the courts of Chester as other inhabitants of that county ought to do.

And if any of the magistrates or officers of the county of Newcastle or any other person or persons shall by any manner of way or means whatsoever compel or oblige any of the said inhabitants, without or northward of the said circular line, to do or perform any suit or service in any court or courts within the said county of Newcastle, or shall impose, set and levy any fine or amercement for their not doing or performing the same, or shall assess or impose any taxes, rates or levies whatsoever (by poll, pound rate, or otherwise) upon any of the said inhabitants, without or northward of the said circular line; or upon any of the persons sojourning with them; or upon the lands, tenements, or other estate, lying or being northward of the said line; and if any person or persons whatsoever shall by virtue or color of any warrant, order or precept from any of the magistrates, ministers or officers of the said county of Newcastle, or upon any other pretense whatsoever, presume to levy or compel the payment of any such taxes, rates or assessments, as now are or hereafter shall be imposed or assessed, as aforesaid, by distraining the goods, attaching the effects, or arresting the

bodies of any of the said persons refusing to pay the same, then and in every such case the [party or] parties aggrieved may have their action or actions upon this act [against any] of the magistrates, officers and persons offending in any of the premises, wherever they or their effects may be found in this province; and if the verdict or inquisition passeth for the plaintiff or plaintiffs, in any such action, he or they shall have judgment for treble damages found thereby, with full costs of suit, in which actions no essoin, protection, wager of law, nor any more than one imparlance shall be allowed.

Passed May 28, 1715. Repealed by the Lords Justices in Council July 21, 1719. See Appendix IV, Section II.

CHAPTER CCVI.

AN ACT FOR THE BETTER RECOVERY OF FINES AND FORFEITURES DUE TO THE GOVERNOR AND GOVERNMENT OF THIS PROVINCE.

To the end that all fines, forfeitures, [issues and] ameracements, which were designed and ought to be applied [towards] defraying the necessary charge of supporting the administration of this government, may be duly estreated, levied and brought into the provincial stock or treasury, that so the same may go to the uses intended:

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, Proprietary and Governor-in-Chief of the Province of Pennsylvania, 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 fines, issues, ameracements, forfeited recognizances, sum and sums of money to be paid in lieu and satisfaction of them, or any of them, and all other forfeitures whatsoever, which after the twenty-fifth day of June, one thousand seven hundred and fifteen, shall be set, imposed, lost or forfeited in the supreme court of this