

At a General Assembly begun and holden at Philadelphia the fourteenth day of October, A. D. 1749, and continued by adjournments until the eighteenth day of August, 1750, the following acts were passed:

CHAPTER CCCLXXX.

AN ACT FOR ERECTING PART OF THE PROVINCE OF PENNSYLVANIA, WESTWARD OF [THE] 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 inconveniencies and relief of the inhabitants in the premises:

[Section I.] Be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and of the counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That all and singular the lands lying within the prov-

ince 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.

[Section II.] And be it further enacted by the authority aforesaid, 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 province 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:

[Section III.] Provided and further 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 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.

[Section IV.] And be it further enacted by the authority aforesaid, That all taxes already laid within the bounds of the said county of Cumberland by virtue of any 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 Lancaster 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 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 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.

[Section VI.] And be it further enacted by the authority aforesaid, 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.

[Section VII.] And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Robert McCoy, Benjamin Chambers, David Magaw, James McEntire and John McCormick, all of the county aforesaid, yeomen, 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 inhabitants of the said county, and thereon to erect and build a court-house and prison sufficient to accommodate the public service of the said county and for the ease and conveniency of the inhabitants.

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

[Section IX.] Provided also, and be it further enacted by the authority aforesaid, That no action or suit now commenced or depending in the county of Lancaster against any person living within the bounds of the said county of Cumberland or elsewhere 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 Lancaster 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 and is hereby obliged to yield obedience in executing the said writs and make due return thereof before the justices of the said court of the said county of Lancaster as if the parties were living and residing within the same.

[Section X.] And be it further enacted by the authority aforesaid, That Benjamin Chambers, of the said county of Cumberland, be and hereby is appointed collector of the excise of the said county, who is hereby authorized and empowered by himself or his sufficient deputy duly constituted and for whom he shall be accountable, to demand, collect, receive and recover the excise appointed to be paid by any act or acts of assembly of this province and also the arrearages thereof of and from all and every person and persons within the said county retailing or vending any of the liquors by the said acts liable to pay the same, and also to recover and receive all and every the duties, fines and forfeitures laid or imposed or that shall happen to arise or become due for anything done contrary to the true intent and meaning of the said acts.

[Section XI.] And be it further enacted by the authority aforesaid, That the said collector of excise for the county of Cumberland aforesaid, the better to enable himself to recover the arrearages of excise now due or which shall become due before the publication of this act, shall apply to the collector of excise for the county of Lancaster for a list, which he is hereby enjoined and required to deliver, containing the names of each and every person in arrear for excise within the said county of Cumberland and how much from each of them.

[Section XII.] And be it further enacted by the authority aforesaid, That the collector of the county of Cumberland aforesaid before he enters on the execution of his said office is hereby required to give bond with two sufficient sureties to the treasurer of this province for the time being in the sum of one hundred pounds lawful money of the province aforesaid for the faithful discharge of his duty and paying all such sums of money as he shall from time to time receive by virtue of this act. And further the collector of the said county of Cumberland shall in

all things govern himself and be subject to the same regulations, restrictions, fines and forfeitures, and shall observe like rules, orders and directions as the collectors of other the counties aforesaid by the laws of this province are liable to. And the said collector for the discharge of the duty of his office within the said county of Cumberland shall have and receive like fees, perquisites and rewards for his services enjoined by this act as other the collectors aforesaid (Philadelphia excepted) by the acts aforesaid are entitled unto for the services enjoined them by the acts aforesaid.

[Section XIII.] And be it further enacted by the authority aforesaid, That until a sheriff and coroner shall be chosen in the county of Cumberland in pursuance of this act it shall and may be lawful for the sheriff and coroner of Lancaster to officiate and act in the discharge of their respective duties as fully and amply as they might and ought to have done if this act had not been made; one of whom or his deputy shall attend and discharge the duty of his office according to the laws of this province at the next election at Lancaster, and the other of them or his deputy shall attend and discharge the duty of his office in like manner at the first election next to be held in the county of Cumberland aforesaid, in pursuance of the directions of this act.

And to the end the boundaries of the said counties of York and Cumberland may be the better ascertained and known:

[Section XIV.] Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the trustees named in this act and the act of assembly by which the said county of York was erected into a county or to and for a majority of each of them, and they are hereby required and firmly enjoined, within the space of six months next after the publication of this act to assemble themselves together, and with the assistance of one or more surveyors by them respectively to be provided, to run, mark out and distinguish the boundary line between the said counties of York and Cumberland. And the charges to arise for the doing thereof shall be defrayed equally between the inhabitants of the said counties, and to that end levied and raised by the said inhabitants in such manner as

other public money for the use of the said counties by law ought to be raised and levied.

Passed January 27, 1749-50. Confirmed by the King in Council, May 13, 1751. See Appendix XVIII, Section I.

As to Section I, see the Acts of Assembly passed February 9, 1750-51, Chapter 387; February 18, 1769, Chapter 593; March 9, 1771, Chapter 629; March 21, 1772, Chapter 644; September 30, 1779, Chapter 848; September 9, 1784, Chapter 1107; March 4, 1785, Chapter 1136; September 20, 1787, Chapter 1311; September 19, 1789, Chapter 1436; March 27, 1790, Chapter 1498; January 22, 1800, Chapter 2097; March 22, 1820, P. L. 92; March 31, 1823, P. L. 191; December 23, 1824, P. L. (1825,) 1; May 4, 1832, P. L. 452; April 4, 1835, P. L. 106; April 18, 1853, P. L. 524.

As to Sections II-III, see the Acts of Assembly passed March 11, 1752, Chapter 396; September 27, 1755, Chapter 404; September 29, 1759, Chapter 451; March 4, 1763, Chapter 489; February 8, 1766, Chapter 539; February 26, 1773, Chapter 683; March 23, 1776, Chapter 717; (the Constitution of 1776, Plan of Government, Section XVII;) June 14, 1777, Chapter 757; March 23, 1778, Chapter 790; September 24, 1779, Chapter 847; September 20, 1780, Chapter 914; September 13, 1785, Chapter 1175; September 19, 1786, Chapter 1242; September 27, 1786, Chapter 1253; September 10, 1787, Chapter 1301 (the Constitution of 1790, Article I, Section IV;) September 30, 1791, Chapter 1590; April 4, 1792, Chapter 1634; April 22, 1794, Chapter 1770; April 15, 1795, Chapter 1839; March 21, 1797, Chapter 1933; February 27, 1801, Chapter 2212; March 8, 1802, P. L. 79; January 13, 1803, P. L. 291; March 21, 1803, P. L. 387; February 11, 1805, P. L. 30; April 13, 1807, P. L. 284; March 21, 1808, P. L. 86; March 29, 1813, P. L. 224; March 28, 1814, P. L. 277; March 8, 1815, P. L. 93; March 19, 1816, P. L. 208; March 24, 1818, P. L. 279; March 29, 1819, P. L. 201; March 28, 1820, P. L. 162; March 25, 1822, P. L. 74; April 2, 1822, P. L. 197; April 10, 1826, P. L. 398; April 20, 1829, P. L. 212; April 23, 1829, P. L. 329; May 3, 1832, P. L. 405; April 9, 1833, P. L. 457; April 15, 1834, P. L. 474; June 16, 1836, P. L. 794; April 16, 1838, P. L. 593; (the Constitution of 1838, Article I, Section IV,) (the two acts of) July 2, 1839, P. L. 519, 590; March 7, 1840, P. L. 72; March 4, 1842, P. L. 43; April 12, 1842, P. L. 262; July 11, 1842, P. L. 321; April 14, 1843, P. L. 247; January 22, 1844, P. L. 14; April 11, 1844, P. L. 241; February 19, 1845, P. L. 44; March 14, 1845, P. L. 149; April 16, 1845, P. L. 521; March 7, 1846, P. L. 86; April 21, 1846, P. L. 419; March 16, 1847, P. L. 421; February 28, 1850, P. L. 113; May 15, 1850, P. L. 777; March 18, 1852, P. L. 147; March 3, 1854, P. L. 151; April 20, 1854, P. L. 419; January 31, 1855, P. L. 5; May 20, 1857, P. L. 619; February 23, 1858, P. L. 41; March 24, 1860, P. L. 254; May 5, 1864, P. L. 258; April 17, 1866, P. L. 107; April 15, 1867, P. L. 86; May 6, 1871, P. L. 252; March 8, 1872, P. L. 272; (the Constitution of 1873, Article II, Section XVII;) May 18, 1876, P. L. 178; June 13, 1883, P. L. 124; May 12, 1887, P. L. 98; June 11, 1891, P. L. 296; April 18, 1893, P. L. 107; May 18, 1893, P. L. 106; June 26, 1895, P. L. 377.

As to Section V, see note to the Act of Assembly passed May 22, 1722, Chapter 255.

As to Section VI, see notes to the Acts of Assembly passed May

22, 1722, Chapter 255, March 20, 1724-25, Chapter 284; and the Acts of Assembly passed September 27, 1759, Chapter 450; September 7, 1789, Chapter 1427; (the Constitution of 1790, Article V, Sections IV, V and VII;) April 13, 1791, Chapter 1575; March 15, 1800, Chapter 2145; February 24, 1806, P. L. 334; January 5, 1811, P. L. 7; March 29, 1824, P. L. 194; March 29, 1832, P. L. 190; April 14, 1834, P. L. 333; April 11, 1835, P. L. 196; (the Constitution of 1838, Article V, Sections IV, V and VII), March 8, 1847, P. L. 260; April 22, 1850, P. L. 543; (the Constitution of 1873, Article II, Sections I, III, V and VII;) April 9, 1874, P. L. 54; March 18, 1875, P. L. 28; April 24, 1879, P. L. 32; June 10, 1881, P. L. 113; August 7, 1883, P. L. (1885) 323; June 12, 1895, P. L. 190.

As to Sections VII and VIII, see the Acts of Assembly passed February 28, 1780, Chapter 878; April 15, 1834, P. L. 537; April 16, 1845, P. L. 483; June 1, 1883, P. L. 58; April 19, 1895, P. L. 38.

As to Sections X and XII, see notes to the Acts of Assembly passed May 26, 1744, Chapter 360; June 24, 1746, Chapter 370; and the Act of Assembly passed September 21, 1756, Chapter 412.

CHAPTER CCLXXXI.

AN ACT FOR PROHIBITING THE IMPORTATION OF GERMANS OR OTHER PASSENGERS IN TOO GREAT NUMBERS IN ANY ONE VESSEL.

Whereas it hath been too frequently practiced by masters and owners of vessels trading within this province to import so great a number of Germans or other passengers in one vessel that through want of necessary room and accommodations they have often contracted mortal and contagious distempers, and thereby have occasioned not only the death of great numbers of such passengers in their passage, but also by these means have so infected those who survived as on their arrival into this province they have spread the contagion and been the cause of the death of many of the inhabitants:

To the end, therefore, that the like evil practices may be prevented and inconveniencies thence arising avoided as much as may be for the future:

[Section I.] Be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and of the counties of