

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1751, and continued by adjournments until the twenty-second day of August, 1752, the following acts were passed:

CHAPTER CCCXCII.

AN ACT FOR ERECTING PART OF THE COUNTIES OF PHILADELPHIA, CHESTER AND LANCASTER INTO A SEPARATE COUNTY.

Whereas a great number of the back inhabitants of the county of Philadelphia and the adjacent parts of the counties of Chester and Lancaster by their petition have humbly represented to the governor and assembly of this province their remote situation from their respective county towns, (where the courts of justice and public offices are kept,) whereby they are frequently put to extraordinary expense of money and loss of time in their long journeys thither as parties in causes, witnesses, jurymen, &c.

For remedying which inconveniencies and relief of the inhabitants in those remote parts 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 province of Pennsylvania aforesaid, within the metes and bounds as is hereinafter described, be erected into a county, and the same are hereby erected into a county, named and henceforth to be called Berks; bounded as follows: by a line at the distance

of ten superficial miles southwest from the western bank of the river Schuylkill, opposite to the mouth of a creek called Monocasy, to be run northwest to the extremity of the province and southeast until it shall intersect the line of Chester county, then on one straight line, crossing the river Schuylkill aforesaid, to the upper or northwestward line of McCall's manor, then along the said line to the extremity thereof, and continuing the same course to the line dividing Philadelphia and Bucks counties, then along the said line northwest to the extent of the county aforesaid.

[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 the town of Reading, near the river Schuylkill, in 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 one representative or delegate 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 representative when so chosen shall be a member 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 Berks 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 treasurers of the counties of Philadelphia, Lancaster and Chester; 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 Berks 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 gaols 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 Berks on the third day of the week, commonly called Tuesday, next after the courts held for the county of Lancaster, in every of the months called May, August, November and February in every year at some proper place within the said county until a courthouse 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 courthouse on the days before mentioned. And the election of a representative 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 courthouse 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 and may 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 Anthony Lee, Francis Parvin, William Maugridge, William Bird and Joseph Millard 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 town of Reading, in trust and for the use of the inhabitants of the said county, and thereon to erect and build a courthouse 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 courthouse 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 courthouse and prison. Provided always, the said sum of money so to be raised does 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 counties of Philadelphia, Chester and Lancaster against any person living within the bounds of the said county of Berks 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 the coun-

ties of Philadelphia, Chester and Lancaster to issue any judicial process, to be directed to the sheriffs of their respective counties, for carrying on and obtaining the effect of their suits, which sheriffs shall be and are hereby obliged to yield obedience in executing the said writs and make due returns thereof before the justices of the respective courts of the said counties of Philadelphia, Chester and Lancaster as if the parties were living and residing within the same.

[Section X.] And be it further enacted by the authority aforesaid, That John Hughs of the said county of Berks, 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 Berks 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 collectors of excise for the counties of Philadelphia, Chester and Lancaster for lists, which they are hereby enjoined and required to deliver, containing the names of each and every person in arrear for excise within the said county of Berks 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 Berks 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 two 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 Berks 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 Berks 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 Berks in pursuance of this act, it shall and may be lawful for the sheriff and coroner of Philadelphia county to officiate and act in the discharge of their respective duties as fully and amply as they may or can do in their county of Philadelphia, 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 Philadelphia, 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 Berks aforesaid, in pursuance of the directions of this act.

And to the end the boundaries of the said county of Berks 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 Edward Scull, of the county of Philadelphia, Benjamin Lightfoot, of the county of Chester, and Thomas Cookson, of Lancaster county, or to and for a majority 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 run, mark out and distinguish the boundary line between the said counties of Philadelphia, Chester and Lancaster and the hereinbefore-mentioned county of Berks, or so much thereof as they or a majority of them for the respective counties shall judge conven-

ient and necessary, and the charge to arise for the doing thereof shall be defrayed by the county of Berks, and to that end levied and raised by the inhabitants of the said county in such manner as other public money for the use of the said county by law ought to be raised and levied.

Passed March 11, 1752. Confirmed by the King in Council, May 10, 1753. See Appendix XIX, Section I.

As to Section I, see the Acts of Assembly passed February 18, 1769, Chapter 593; March 9, 1771, Chapter 629; March 21, 1772, Chapter 644; September 10, 1784, Chapter 1108; March 4, 1785, Chapter 1136; April 17, 1795, Chapter 1848; March 1, 1811, P. L. 61; February 16, 1813, P. L. 67; March 29, 1849, P. L. 260; April 15, 1850, P. L. 463; April 25, 1854, P. L. 488; March 22, 1855, P. L. 111; April 5, 1855, P. L. 177; April 2, 1860, P. L. 602; March 16, 1865, P. L. 396.

As to Sections II and 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; September 24, 1779, Chapter 847; September 13, 1785, Chapter 1175; September 27, 1786, Chapter 1253; September 21, 1789, Chapter 1437; (the Constitution of 1790, Article I, Section IV;) September 30, 1791, Chapter 1590; March 19, 1794, Chapter 1721; April 22, 1794, Chapter 1770; April 1, 1797, Chapter 1948; February 27, 1798, Chapter 1964; April 4, 1798, Chapter 2005; April 8, 1799, Chapter 2061; February 27, 1801, Chapter 2212; February 5, 1802, P. L. 54; March 16, 1803, P. L. 377; March 31, 1806, P. L. 654; April 13, 1807, P. L. 284; March 21, 1808, P. L. 86; April 4, 1809, P. L. 177; April 1, 1811, P. L. 191; March 30, 1812, P. L. 188; March 28, 1814, P. L. 277; March 8, 1815, P. L. 93; March 13, 1815, P. L. 168; March 19, 1816, P. L. 208; March 24, 1817, P. L. 281; March 24, 1818, P. L. 279; March 29, 1819, P. L. 201; April 2, 1821, P. L. 303; March 25, 1822, P. L. 74; April 2, 1822, P. L. 197; March 31, 1823, P. L. 238; March 30, 1824, P. L. 227; April 11, 1825, P. L. 203; April 10, 1826, P. L. 398; April 16, 1827, P. L. 474; April 14, 1828, P. L. 386; April 20, 1829, P. L. 212; April 23, 1829, P. L. 329; April 4, 1831, P. L. 480; April 15, 1834, P. L. 475; April 1, 1836, P. L. 436; June 16, 1836, P. L. 794; (the Constitution of 1838, Article I, Section IV;) April 16, 1838, P. L. 593; (the two acts of) July 2, 1839, P. L. 519, 590; March 7, 1840, P. L. 72; April 14, 1840, P. L. 336; March 4, 1842, P. L. 43; March 17, 1842, P. L. 105; July 11, 1842, P. L. 321; August 2, 1842, P. L. 458; March 7, 1843, P. L. 48; April 14, 1843, P. L. 247; January 22, 1844, P. L. 14; March 9, 1844, P. L. 75; April 11, 1844, P. L. 241; March 14, 1845, P. L. 149; April 16, 1845, P. L. 521; March 7, 1846, P. L. 86; February 24, 1847, P. L. 150; March 16, 1847, P. L. 421; April 7, 1848, P. L. 365; April 11, 1848, P. L. 476; April 5, 1849, P. L. 555; February 28, 1850, P. L. 113; March 8, 1850, P. L. 142; April 8, 1850, P. L. 413; April 15, 1850, P. L. 463; May 6, 1850, P. L. 701; May 15, 1850; P. L. 777; February 10, 1851, P. L. 40; March 11, 1851, P. L. 148; April 12, 1851, P. L. 448; March 11, 1852, P. L. 127; May 1, 1852, P. L. (1854) 864; February 26, 1853, P. L. 120; April 5, 1853, P. L. 291; March 31, 1854,

P. L. 246; April 20, 1854, P. L. 419; January 31, 1855, P. L. 5; May 20, 1857, P. L. 619; May 5, 1864, P. L. 258; April 17, 1866, P. L. 107; April 15, 1867, P. L. 86; May 6, 1871, P. L. 252; (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 29, 1759, Chapter 450; September 7, 1789, Chapter 1427; (the Constitution of 1790, Article V, Sections IV-V and VII;) April 13, 1791, Chapter 1575; April 2, 1802, P. L. 140; February 24, 1806, P. L. 334; February 4, 1813, P. L. 59; March 15, 1826, P. L. 115; March 29, 1832, P. L. 190; April 14, 1834, P. L. 333; (the Constitution of 1838, Article V, Sections IV-V and VII;) March 17, 1842, P. L. 99; April 5, 1849, P. L. 367; March 14, 1850, P. L. 208; April 22, 1850, P. L. 543; April 21, 1854, P. L. 448; April 9, 1856, P. L. 272; April 13, 1858, P. L. 254; March 17, 1864, P. L. 24; February 6, 1868, P. L. 124; (The Constitution of 1873, Article V, 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; June 13, 1883, P. L. 97; August 7, 1883, P. L. (1885) 323; June 12, 1895, P. L. 190.

As to Sections VII-VIII, see the Acts of Assembly passed February 28, 1780, Chapter 878; April 15, 1834, P. L. 537; April 8, 1848, P. L. 399; June 1, 1883, P. L. 53; April 19, 1895, P. L. 38.

As to Sections X-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 CCCXCIII.

AN ACT FOR ERECTING THE NORTHWEST PART OF BUCKS INTO A SEPARATE COUNTY.

Whereas a great number of the inhabitants of the upper parts of the county of Bucks by their petition have humbly represented to the governor and assembly of this province the great hardships they lay under by being so remote from the present seat of judicature and the public offices, that the necessary means to be used for obtaining justice is attended with so much difficulty and expense that many forego their right rather than attempt the recovery of it under such circumstances, while