

CHAPTER DCLXXVIII.

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

Whereas a great number of the inhabitants of the county of Bedford on the west side of the Laurel Hill have represented to the assembly of this province the great hardships they lie under from being so remote from the present seat of judicature and the public offices:

For remedy whereof:

[Section I.] Be it enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, 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 and being within the boundaries following: That is to say, beginning in the province line where the most westerly branch, commonly called the South or Great Branch, of Youghiogany River crosses the same, then down the easterly side of the said branch and river to the Laurel Hill, thence along the ridge of the said hill northeastward so far as it can be traced or till it runs into the Alleghany Hill, thence along the ridge dividing the waters of Susquehanna and the Alleghany River to the purchase line at the head of Susquehanna, thence due west to the limits of the province, and by the same to the place of beginning, shall be and the same is hereby declared to be erected into a county, henceforth to be called Westmoreland.

[Section II.] And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Westmoreland shall at all times hereafter have and enjoy all and singular the jurisdiction, 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 and means whatsoever, excepting only the number of representatives to serve in general assembly of this province; in which case:

[Section III.] It is provided and further enacted by the authority aforesaid, That the freeholders and inhabitants of each township within the said county qualified by the laws of this province to elect shall meet at some convenient place within their respective townships at the same time the freeholders and inhabitants of the several townships of the other counties shall meet for like purpose and proceed to choose inspectors; and that the freemen and inhabitants of the said county qualified as aforesaid shall meet at Robert Hanna's house until the court house shall be built for the said county at the same time the inhabitants of the other counties shall meet for the like purpose and proceed to elect one representative or delegate to serve them in assembly in the same manner and under the same rules, regulations and penalties as by the charter and laws of this province are 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 shall 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 Westmoreland 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 the county of Bedford, 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 prov-

ince shall have like powers, jurisdictions and authorities within the said county of Westmoreland as by law they are vested with and entitled to 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 commission 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 the 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 Westmoreland on the Tuesdays next preceding Bedford county courts in every of the months of January, April, July and October at the place aforesaid within the said county of Westmoreland 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 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 court-house at the same time and in the same manner as by the charter of privileges and the 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 Hanna, George Wilson, Samuel Sloan, Joseph Irwin and John

Caveat 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 thereupon to erect and build a court-house and prison sufficient to accommodate the public service of the said county.

[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 in the manner directed by "the act for raising county rates and levies,"¹ 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 to be raised does not exceed one thousand pounds, 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 Bedford against any person living within the bounds of the said county of Westmoreland 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 said county of Bedford to issue any judicial process to the sheriff of the county of Bedford aforesaid 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 court of the said county of Bedford as if the parties lived and resided within the same.

[Section X.] And be it further enacted by the authority aforesaid, That James Kinkead, of the said county of Westmoreland, be and is hereby appointed collector of the excise of the same county, who is hereby authorized and empowered by him-

¹ Passed March 20, 1724-25, Chapter 234.

self 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, vending or consuming 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 intent 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 Westmoreland aforesaid, the better to enable him to recover the arrearages of excise which shall be due before the passing of this act, shall apply to the collector of excise for the county of Bedford for a list, which the collector of the said county is hereby enjoined and required to deliver, containing the names of each and every person in arrear for excise within the said county 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 Westmoreland aforesaid before he enters upon 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, 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 Westmoreland 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 Westmoreland shall have and receive like fees, perquisites and rewards for his services enjoined by this act as other the collectors aforesaid (the collector of Philadelphia county 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 Westmoreland in pursuance of this act it shall and may be lawful for the sheriff and coroner of Bedford 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 Bedford, 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 for Bedford county aforesaid, 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 Westmoreland aforesaid, in pursuance of the direction of this act.

[Section XIV.] And be it further enacted by the authority aforesaid, That before any sheriff hereafter to be appointed or commissioned for the said county of Westmoreland shall enter upon the duties of his office he shall become bound in an obligation with two or more sufficient sureties to be approved of by the governor of this province for the time being in the sum of one thousand pounds, and with like conditions as the sheriffs of the other counties within this province are enjoined and required to become bound, which said obligation shall be taken in the King's name and entered upon record in the office for recording of deeds in the said county of Westmoreland, and shall be only in trust to and for the use and benefit of the person or persons who shall be injured by any breach, neglect or omission of duty in such sheriff, and shall be proceeded on in the same manner as is directed in respect to sheriffs' bonds in and by the act of general assembly, entitled "An act for the regulating elections for sheriffs and coroners,"¹ and that the treasurer hereafter to be appointed for said county for receiving the provincial taxes, before he shall enter on the duties of his office shall give security in like manner as other county treasurers for that purpose are by law directed to give security in the sum of fifteen hundred pounds, and that the treasurer for said county for receiving the county levies shall in like manner give security in the sum of six hundred pounds.

¹ Passed January 12, 1705-6, Chapter 161.

And to the end the boundaries of the said county of Westmoreland may be the better ascertained and known:

[Section XV.] Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Abraham Keble, Thomas Smith, and Alexander McClean, or any two 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 lines between the said counties of Bedford and Westmoreland, or so much thereof as they or a majority of them shall judge convenient and necessary, and the charges to arise for the doing thereof shall be defrayed by the said county of Westmoreland, and to that end levied and raised by the inhabitants thereof in such manner as other public money for the use of the said county by law ought to be raised and levied.

Passed February 26, 1773. Referred for consideration by the King in Council, February 2, 1774, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI.

As to Section I, see the Acts of Assembly passed September 30, 1779, Chapter 848; March 28, 1781, Chapter 931; April 13, 1782, Chapter 973; September 26, 1783, Chapter 1056; February 17, 1784, Chapter 1068; April 1, 1784, Chapter 1099; September 23, 1784, Chapter 1114; April 8, 1785, Chapter 1164; September 20, 1787, Chapter 1311; September 24, 1788, Chapter 1359; April 17, 1795, Chapter 1851; March 29, 1798, Chapter 1991; March 12, 1800, Chapter 2130; March 30, 1803, P. L. 573; March 26, 1804, P. L. 1365; March 1, 1806, P. L. 405; April 10, 1807, P. L. 258; (the Constitutional Amendment of 1857, incorporated into the Constitution of 1838, as Article XII;) March 30, 1860, P. L. 372; April 28, 1864, P. L. 653; March 24, 1865, P. L. 755; (the Constitution of 1874, Article III, Section 7; Article XIII, Section 1;) April 17, 1876, P. L. 42; April 17, 1878, P. L. 17; May 22, 1895, P. L. 97.

As to Sections II and III, see the Constitution of 1776, Plan of Government, Sections 17, 18; and the Acts of Assembly passed March 23, 1776, Chapter 171; September 24, 1779, Chapter 847; September 27, 1786, Chapter 1253; September 24, 1788, Chapter 1359; (the Constitution of 1790, Article I, Section IV; Schedule, Section VI;) April 22, 1794, Chapter 1770; March 12, 1800, Chapter 2130; February 27, 1801, Chapter 2212; March 26, 1804, P. L. 365; March 21, 1808, P. L. 86; March 18, 1815, P. L. 93; March 25, 1822, P. L. 74; April 20, 1829, P. L. 212; June 16, 1836, P. L. 794; (the Constitution of 1838, Article I, Section IV); April 14, 1843, P. L. 247; May 15, 1850, P. L. 777; May 20, 1857, P. L. 619; (the Constitutional Amendment of 1857, incorporated into the Constitution of 1838, as Article I, Section IV;) May 5, 1864, P. L. 258; May 6, 1871, P. L. 252; (the Constitution of 1874, Article II, Sections 17, 18;) May 19, 1874, P. L. 196;

May 12, 1887, P. L. 98.

As to Section VI, see the Ordinance of the Constitutional Convention passed September 3, 1776, Chapter 731; the Constitution of 1776, Plan of Government, Sections 9, 17, 26, 30; and the Acts of Assembly passed January 23, 1777, Chapter 737; February 5, 1777, Chapter 739; March 15, 1777, Chapter 749; June 14, 1777, Chapter 757; August 31, 1778, Chapter 805; April 10, 1782, Chapter 966; March 27, 1784, Chapter 1086; March 31, 1784, Chapter 1093; September 13, 1785, Chapter 1175; March 4, 1786, Chapter 1205; September 19, 1786, Chapter 1242; February 27, 1788, Chapter 1329; March 27, 1789, Chapter 1413; September 7, 1789, Chapter 1427; September 29, 1789, Chapter 1455; (the Constitution of 1790, Article V, Sections IV, V, X; Article VI, Section I; Schedule, Section IV;) April 13, 1791, Chapter 1575; (the two Acts of Assembly passed) September 30, 1791, Chapters 1590, 1601; March 29, 1792, Chapter 1616; April 4, 1792, Chapter 1635; January 8, 1795, Chapter 1791; February 27, 1798, Chapter 1967; February 10, 1800, Chapter 2101; February 21, 1801, Chapter 2187; (the two Acts of Assembly passed) March 12, 1802, P. L. 82, 83; January 11, 1803, P. L. 289; April 1, 1803, P. L. 586; April 4, 1803, P. L. 659; April 4, 1805, P. L. 255; February 3, 1806, P. L. 323; February 24, 1806, P. L. 334; March 10, 1806, P. L. 413; March 28, 1808, P. L. 168; January 30, 1810, P. L. 6; March 30, 1812, P. L. 188; March 29, 1813, P. L. 224; March 13, 1815, P. L. 168; February 20, 1816, P. L. 82; March 15, 1816, P. L. 137; March 19, 1816, P. L. 208; March 24, 1817, P. L. 281; March 23, 1818, P. L. 239; March 5, 1819, P. L. 88; April 2, 1821, P. L. 303; April 2, 1822, P. L. 197; March 31, 1823, P. L. 238; March 30, 1824, P. L. 227; April 11, 1825, P. L. 218; April 16, 1827, P. L. 474; April 14, 1828, P. L. 386; April 23, 1829, P. L. 329; April 4, 1831, P. L. 480; February 15, 1832, P. L. 81; May 3, 1832, P. L. 405; March 11, 1833, P. L. 76; April 8, 1833, P. L. 336; April 9, 1833, P. L. 457; April 14, 1834, P. L. 333; April 15, 1835, P. L. 349; June 16, 1836, P. L. 784; (the Constitution of 1838, Article V, Sections II, III, V, VII; Article VI, Sections I, III, VII, VIII; Schedule, Sections 7, 10, 12;) April 10, 1838, P. L. 315; April 16, 1838, P. L. 593; June 20, 1839, P. L. 360; June 21, 1839, P. L. 376; (the two Acts of Assembly passed) July 2, 1839, P. L. 519, 590; (the two Acts of Assembly passed) March 7, 1840, P. L. 72, 90; April 11, 1840, P. L. 294; June 13, 1840, P. L. 689; (the two Acts of Assembly passed) March 5, 1841, P. L. 61, 67; March 25, 1842, P. L. 192; April 12, 1842, P. L. 262; July 11, 1842, P. L. 321; March 7, 1843, P. L. 48; March 9, 1843, P. L. 59; March 18, 1843, P. L. 104; April 4, 1843, P. L. 131; January 22, 1844, P. L. 14; March 9, 1844, P. L. 75; February 19, 1845, P. L. 44; March 14, 1845, P. L. 149; April 16, 1845, P. L. 521; March 7, 1846, P. L. 86; March 9, 1846, P. L. 105; April 21, 1846, P. L. 419; March 16, 1847, P. L. 421; February 15, 1848, P. L. 60; March 18, 1848, P. L. 210; April 5, 1849, P. L. 555; April 10, 1849, P. L. 619; (the Constitutional Amendment of 1850, incorporated into the Constitution of 1838, as Article V, Section II;) February 25, 1850, P. L. 99; April 22, 1850, P. L. 543; April 25, 1850, P. L. 569; April 3, 1851, P. L. 868; April 14, 1851, P. L. 605; April 15, 1851, P. L. 648; February 6, 1852, P. L. 37; March 18, 1852, P. L. 147; April 2, 1852, P. L. 238; April 5, 1852, P. L. 256; April 7, 1852, P. L. 275; April 8, 1852, P. L. 650; (the two Acts of Assembly passed) April 27, 1852,

P. L. 449, 465; May 6, 1852, P. L. 617; February 26, 1853, P. L. 114; March 11, 1853, P. L. 181; April 18, 1853, P. L. 567; April 20, 1853, P. L. 625; January 26, 1854, P. L. 16; February 20, 1854, P. L. 86; March 3, 1854, P. L. 151; March 23, 1854, P. L. 193; April 4, 1854, P. L. 271; April 20, 1854, P. L. 419; May 5, 1854, P. L. 573; January 31, 1855, P. L. 5; March 12, 1855, P. L. 72; April 22, 1856, P. L. 500; April 2, 1860, P. L. 552; May 1, 1861, P. L. 494; April 15, 1863, P. L. 473; March 17, 1864, P. L. 36; May 5, 1864, P. L. 829; August 25, 1864, P. L. 990; April 17, 1866, P. L. 107; April 15, 1867, P. L. 86; April 14, 1868, P. L. 1066; May 2, 1871, P. L. 247; April 9, 1872, P. L. 1073; (the Constitution of 1874, Article II, Sections 17, 18; Article III, Section 7; Article V, Sections 4, 5, 9, 11, 15, 22, 25; Article VIII, Sections 2, 3, 4, 7, 11; Article XIV, Sections 2, 3; Schedule, Sections 11, 13, 14, 15, 16;) April 9, 1874, P. L. 54; (the two Acts of Assembly passed) May 15, 1874, P. L. 186, 196; March 4, 1875, P. L. 5; March 18, 1875, P. L. 28; May 18 1876, P. L. 178; March 22, 1877, P. L. 12; June 10, 1881, P. L. 118; June 13, 1883, P. L. 124; August 7, 1883, P. L. (1885) 323; June 24, 1885, P. L. 149; March 24, 1887, P. L. 14; May 19, 1887, P. L. 126; June 11, 1891, P. L. 296; April 18, 1893, P. L. 107; May 18, 1893, P. L. 106; June 12, 1895, P. L. 190; June 26, 1895, P. L. 377; April 11, 1901, P. L. 71.

As to Sections VII and VIII, see the Acts of Assembly passed July 23, 1774, Chapter 697; March 22, 1784, Chapter 1080; September 13, 1785, Chapter 1176; December 27, 1786, Chapter 1257; February 14, 1789, Chapter 1389; March 31, 1795, Chapter 1819; April 15, 1834, P. L. 537; April 14, 1853, P. L. 397; April 4, 1854, P. L. 271; April 9, 1868, P. L. 73; April 24, 1879, P. L. 32; June 1, 1883, P. L. 58; April 26, 1889, P. L. 55; April 19, 1895, P. L. 38; May 25, 1901, P. L. 301.

As to Sections X-XII, see the notes to the Acts of Assembly passed May 26, 1744, Chapter 360; June 24, 1746, Chapter 370; September 21, 1756, Chapter 412; March 21, 1772, Chapter 656.

As to Section XIV, see the Acts of Assembly passed September 29, 1789, Chapter 1452; March 5, 1790, Chapter 1488; April 11, 1799, Chapter 2095; March 28, 1803, P. L. 497; March 30, 1811, P. L. 145; April 2, 1821, P. L. 245; April 8, 1826, P. L. 260; April 16, 1827, P. L. 471; April 15, 1828, P. L. 491; April 15, 1834, P. L. 537; April 1, 1835, P. L. 101; June 11, 1840, P. L. 612; May 27, 1841, P. L. 400; May 7, 1855, P. L. 495; April 13, 1859, P. L. 607; April 3, 1860, P. L. 650; April 21, 1876, P. L. 46; June 8, 1881, P. L. 81; June 27, 1883, P. L. 163; May 24, 1887, P. L. 185.