

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That so much of the above-recited supplementary act as relates to the appointment of commissioners shall be and the same is hereby repealed, made null and void.

Passed March 24, 1781. See the note to the Act of Assembly passed March 14, 1761, Chapter 465; and the Act of Assembly passed March 15, 1784, Chapter 1078. Section V of the act in the text was repealed by the Act of Assembly passed March 28, 1785, Chapter 1146. Recorded L. B. No. 1, p. 417, etc.

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## CHAPTER CMXXXI.

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

(Section I, P. L.) Whereas, the inhabitants of that part of Westmoreland county, which lies west of the Monongahela river, have represented to the assembly of this state 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.] (Section II, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all that part of the state of Pennsylvania west of the Monongahela river and south of the Ohio, beginning at the junction of the said rivers, thence up the Monongahela river aforesaid to the line run by Mason and Dixon, thence by the said line due west to the end thereof, and from thence the same course to the end of five degrees west longitude, to be computed from the river Delaware, thence by a meridian line extended north until the same shall intersect the Ohio river, and thence by the same to the place of beginning (the said lines from the end of Mason and Dixon's line to the Ohio river to be understood as to be hereafter ascertained by

commissioners now appointed or to be appointed for that purpose), shall be and the same is hereby declared to be erected into a county henceforth to be called Washington.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Washington 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 this state do, may or ought to enjoy by any charter of privileges, or the laws of this state, or by any other ways and means whatsoever.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the trustees, or any three of them, hereinafter appointed by this act to take assurance of a piece of land, whereon to erect a court house and prison, shall, on or before the first day of July next ensuing, divide the said county into townships or districts.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of each township or district within the said county, qualified by law to elect, shall meet at some convenient place within their respective townships or districts at the same time that the inhabitants of the several townships or districts of the other counties within this state, shall meet for like purposes and choose inspectors; and the inhabitants of the said county, qualified as aforesaid, shall (until otherwise ordered by the house of assembly) meet at the house of David Hoge, at the place called Catfishes Camp, in the aforesaid county, at the same time the inhabitants of the other counties shall meet for like purpose, and there elect two representatives to serve them in assembly, one counsellor, two fit persons for sheriffs, two fit persons for coroners and three commissioners in the same manner and under the same rules, regulations and penalties as by the constitution and laws of this state is directed in respect to other counties, which representatives so chosen shall be members of the general assembly of the commonwealth of Pennsylvania, and shall sit and act as such as fully and as freely as any of the other representatives of this state do, may, can and ought to do. And the said coun-

sellor, when so chosen, shall sit and act, as fully and as freely as any of the other members of the supreme executive council of this state do, may, can or ought to do.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the justices of the supreme court of this state shall have the like powers, jurisdictions and authorities within the said county of Washington as by law they are vested with, and entitled to, in the other counties within this state, 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 the other counties of the state.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the freeholders of each township or district in the county aforesaid are hereby authorized and required to meet on the fifteenth day of July next, at some proper and convenient place and elect two fit persons for justices of the peace for each township. But before the freeholders of the respective townships or districts in the said county shall proceed to the election of two fit persons for justices of the peace, they shall, on the same day and at the place appointed for the election, elect one sufficient person for inspector and two persons for assistant judges; and the said judges shall assist the said inspector in receiving and counting the votes of the electors and in preventing frauds and impositions therein; and when the elections are finished and the numbers cast up, the inspector and judges aforesaid, or a majority of them, shall forthwith transmit a certificate thereof, under their hands and seals to the president and council, and one-half the number so elected in each township or district shall be commissioned according to the constitution of this state.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That before the inspectors and judges aforesaid proceed to receive the votes of the freeholders in their respective townships or districts, they shall take an oath or affirmation to the following effect, speaking the words themselves, without any persons administering the same, to wit (if an inspector):

"I do swear, or I do solemnly, sincerely and truly declare and affirm, that I will well and faithfully [receive] and cast up [all] the freeholders' votes within my township or district qualified by law to vote as may be offered to me at this election for fit persons for justices of the peace, and I will not refuse any vote through prejudice or ill will nor receive any through favor or affection, but will behave myself as an honest inspector of this election, according to the best of my skill and judgment."

And if a judge of the election, as follows, viz.:

"I will faithfully assist the inspector of this election in performing the duties required of him by this act according to the best of my skill and judgment."

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That when the persons elected for justices of the peace, as aforesaid, or that shall be appointed by the president and council, have taken the oaths or affirmations required by the laws of this commonwealth and received their commissions, as directed in the constitution of this state, the 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 justices of the courts of general quarter sessions and justices of the county courts for holding of pleas, in the other counties in this state may, can or ought to have in their respective counties; which said courts shall sit and be held for the said county of Washington on the Tuesdays next preceding Westmoreland county courts in every of the months of January, April, July and October at the house of David Hoge aforesaid in the said county of Washington, 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.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for James Edgar, Hugh Scott, Van Swearingham, Daniel Lite and John Armstrong, or any three of them, to take up or

purchase and take assurance to them and their heirs of a piece of land situated in some convenient place in the said county to be approved of by the president and supreme executive council, 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 X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That for the defraying the charges of purchasing the land and building and erecting the court house and prison aforesaid it shall and may be lawful to and for the commissioners and township 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 acts for raising county rates and levies, 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.

(Section XII, P. L.) Provided always, That the sum of money to be raised do not exceed one thousand pounds current money of this state.

[Section XI.] (Section XIII, P. L.) Provided also, and be it further enacted by the authority aforesaid, That no action or suit now commenced or depending in the said county of Westmoreland against any person living within the bounds of the said county of Washington, or elsewhere, shall be stayed or discontinued by this act, or by anything herein contained, but the same actions already commenced or depending may be prosecuted and the judgment thereupon rendered as if this act had not been made, and that it shall and may be lawful to and for the justices of the said county of Westmoreland to issue any judicial process, to the sheriff of the county of Westmoreland aforesaid, for carrying on and obtaining the effect of their suits, which sheriff shall be obliged to yield obedience in executing the said writs, and to make due return thereof to the justices of the court of the said county of Westmoreland in the same manner as if the parties lived and resided within the same.

[Section XII.] (Section XIV, P. L.) And be it further en-

acted by the authority aforesaid, That Henry Taylor, of the said county of Washington, be and hereby is appointed collector of the excise of the same county, and 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 directed to be paid by any act or acts of assembly of this state, 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 become due for anything done contrary to the intent of the said acts.

[Section XIII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the said collector of excise for the county of Washington 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 Westmoreland for a list (which the collector of the said county of Westmoreland 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 XIV.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the collector of the county of Washington 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 state for the time being in the sum of two hundred pounds current money of the said state for the faithful discharge of his duty, and for 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 Washington 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 the other counties aforesaid by the laws of this state are liable to. And the said collector, for the discharge of the duty of his office within the said county of

Washington, shall have and receive like fees, perquisites and rewards for his services enjoined by this act as the other collectors aforesaid (the collector of Philadelphia county excepted) by the acts aforesaid are entitled to for their services.

[Section XV.] And be it further enacted by the authority aforesaid, That until a sheriff and coroner shall be chosen in the county of Washington in pursuance of this act, it shall and may be lawful for the sheriff and coroner of Westmoreland to officiate and act in the discharge of their respective duties as fully and amply as they may or can do in the county of Westmoreland.

[Section XVI.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That before any sheriff hereafter to be appointed and commissioned for the said county of Washington 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 president of this state, for the time being, in the sum of one thousand pounds and with like conditions as is directed with respect to the sheriffs of the other counties within this state, which said obligation shall be taken in the name of the commonwealth of Pennsylvania and entered upon record in the office for recording of deeds in the said county of Washington, and shall be 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 may be proceeded upon in the same manner as is directed in respect to sheriff's bonds in and by the laws of this commonwealth now in force, and that the treasurer hereafter to be appointed for said county for receiving the state taxes, before he shall enter on the duties of his office, shall give security in like manner as other county treasurers are by law directed to give security, in the sum of one thousand pounds, and that the treasurer for said county, for receiving the county levies, shall, in like manner, give security in the sum of five hundred pounds.