

CHAPTER MCCCLIX.

AN ACT FOR ERECTING CERTAIN PARTS OF THE COUNTIES OF WEST-MORELAND AND WASHINGTON INTO A SEPARATE COUNTY.

(Section I, P. L.) Whereas the inhabitants of those parts of the counties of Westmoreland and Washington, which lie most convenient to the town of Pittsburgh have by petition set forth that they have been long subject to many inconveniences from their being situated at so great a distance from the seat of judicature in their respective counties, and that they conceive their interest and happiness would be greatly promoted by being erected into a separate county comprehending the town of Pittsburgh and as it appears just that they should be relieved in the premises and gratified in their reasonable request:

[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 these parts of Westmoreland [and Washington] counties lying within the limits and bounds hereinafter described shall be and hereby are erected into a separate county, that is to say, beginning at the mouth of Flaherty's run, on the south side of the Ohio river, from thence by a straight line, to the plantation on which Joseph Scott, Esquire, now lives, on Montour's run, to include the same, from thence by a straight line, to the mouth of Miller's run on Chartier's creek, thence by a straight line to the mouth of Perry's mill run on the east side of Monongahela river, thence up the said river, to the mouth of Becket's run, thence by a straight line to the mouth of Sewickly Creek on Youghiogany river, thence down the said river to the mouth of Crawford's run, thence by a straight line to the mouth of Brush creek on Turtle creek, thence up Turtle creek to the main fork thereof, thence by a northerly line until it strikes Puckety's creek, thence down the said creek to the Allegheny river,

thence up the Allegheny river to the northern boundary of the state, thence along the same to the western line of the state, thence along the same to the river Ohio and thence up the same to the place of beginning, to be henceforth known and called by the name of Allegheny county.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Allegheny shall, under the limitation hereafter mentioned, at all times hereafter enjoy all and singular the jurisdictions, powers, rights, liberties and privileges whatsoever, which the inhabitants of any other county of this state do, may or ought to enjoy by the constitution and laws of this state.

(Section IV, P. L.) And whereas the line by this act established, dividing the said county of Allegheny from the counties of Westmoreland and Washington, will intersect several of the election districts of the counties of Westmoreland and Washington as heretofore established, so as to separate the same and leave the different parts thereof in each of the said counties of Allegheny, Westmoreland and Washington:

And whereas there will not be sufficient time before the next general election to run and clearly ascertain the said division line and to establish new and proper election districts within the counties aforesaid:

For remedy whereof:

[Section III.] Be it further enacted by the authority aforesaid, That until the said line, dividing the said county of Allegheny from the said counties of Westmoreland and Washington shall be duly run and ascertained, and until new and proper election districts within the said counties of Westmoreland and Washington shall be established, the general election of Westmoreland and Washington counties, including such parts of them and each of them as by this act are cut off and erected into a separate county called Allegheny and all other elections by the freemen thereof and all things whatsoever touching and concerning the same, shall be and continue and be carried on and held at such places and in like manner as if this act had not been made, and until the time aforesaid it shall and may

be lawful for the freemen of such parts of the said county of Allegheny as heretofore lay within the county of Westmoreland and the freemen of such parts of the said county of Allegheny as heretofore lay within the said county of Washington respectively to vote at such times and places and in such manner and for such officer or officers as they might or could have done had this act not been made, and that from and after the division line dividing the said county of Allegheny from the counties of Westmoreland and Washington shall be duly run and ascertained, the general elections and all other elections by the freemen of the said county of Allegheny shall be held at such time and times as the laws and the constitution of this comonwealth shall direct, at the town of Pittsburg, where it shall and may be lawful for the freemen of the said county of Allegheny who are or shall be duly qualified by law, to elect at the times and under the regulations stipulated and directed by the constitution and laws of this state, a councillor, a representative to serve in the general assembly, censors, sheriffs, coroners, and commissioners, which said officers, when duly elected and qualified, shall have and enjoy all and singular such powers, authorities and privileges with respect to their said county as such officers, elected in and for any other county, may, can or ought to do and the said election shall be conducted in the same manner and form and agreeable to the same rules and regulations as now are or hereafter may be in force in the other counties of this state.

(Section V, P. L.) And in order that a due representation of the freemen of this commonwealth may be preserved and kept up:

[Section IV.] Be it further enacted by the authority aforesaid, That from and after the time when the division line dividing the said county of Allegheny from the said counties of Westmoreland and Washington shall be duly run and ascertained as aforesaid the freemen of the said county of Westmoreland shall, at their general elections instead of three representatives to serve in the general assembly of this commonwealth, choose and return two only and no more, anything to the contrary in any law notwithstanding.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the justices of the supreme court and the justices of oyer and terminer and general gaol delivery of this state shall have like powers, jurisdictions and authorities in the said county as in other counties of this state and are hereby authorized and empowered to deliver the gaols of the said county of capital and other offenders in like manner as they are authorized to do in the other counties of this state.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the justices of the courts of quarter sessions and common pleas now commissioned within the limits of the said counties and those that may hereafter be commissioned or any three of them, shall and may hold courts of general quarter sessions of the peace and gaol delivery and courts of common pleas and shall have all and singular such powers, rights, privileges, jurisdictions and authorities to all intents and purposes as other justices of the courts of general quarter sessions and justices of the common pleas in other counties of this state may, can or ought to have in their respective counties, which courts shall sit and be held for the said county (until the trustees hereinafter appointed shall have erected a court house, agreeably to the directions of this act) in the town of Pittsburgh four [times] in each and every year, on the Tuesday next preceding the county courts of Fayette county, and [sic] [and the court of quarter sessions] shall sit three days in each session, if occasion be, and no longer, and also, that orphans' courts in and for the said county of Allegheny shall be held in such manner and shall have such powers, authorities and jurisdictions as are by the laws and constitution of this commonwealth provided as to the orphans' courts of any county or counties within this commonwealth.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for George Wallace, Devereaux Smith, William Elliot, Jacob Bausman and John Wilkins, or any three of them, to make choice of any of the lots set apart for public buildings in the reserved tract opposite the town of Pittsburgh and thereon

to erect a court house and prison sufficient to accommodate the public business of the county within the space of five years from and after the passing of this law, and, if needful, to hire or otherwise procure a temporary building to serve as a court house and prison until the public buildings can be erected as aforesaid.

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said trustees to call upon the commissioners of the said county for any sum of money not exceeding five hundred pounds for the purpose of erecting a court house and prison for the use of the said county, and the said commissioners are hereby authorized and empowered to levy and collect the said sum of five hundred pounds within said county for the uses aforesaid in the same manner that county rates and levies are usually raised in this state. Provided nevertheless, That not more than one fifth part of the said sum shall be levied and collected in one year.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That no action or suit already commenced in the courts of Westmoreland and Washington or either of them before the enacting of this law against any person living within the bounds of the said county shall be stayed or discontinued by this act or by anything in the same contained, but the same actions already commenced as aforesaid may be prosecuted to final issue and judgment thereupon rendered in like manner as if this act had not been made, and it shall and may be lawful for the justices of the said counties respectively to issue processes to their respective sheriffs for carrying on and obtaining the full and legal effects of such suits in the same manner as if the parties resided within the counties of Westmoreland and Washington.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the sheriffs, coroners and public officers of the counties of Westmoreland and Washington shall continue to exercise the duties of their respective offices within the county of Allegheny until similar officers

are appointed agreeably to law within the said county of Allegheny, and that all arrearages of excise and public taxes shall be paid into the hands of the present collectors to be by them accounted for in manner and form as if this act had never been passed.

[Section XI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the sheriffs, treasurers, collectors of excise and all such officers as have heretofore usually given bail for the faithful discharge of their respective offices who may hereafter be appointed or elected in the said county of Allegheny, before they or any of them shall enter upon the execution of their respective offices, shall give sufficient security in the like sums, in the like manner and form and for the like uses, trusts, and purposes as such officers are obliged by law for the time being to do in the counties of Westmoreland and Washington.

[Section XII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Eli Coulter, Peter Kidd and Benjamin Lodge, or a majority of them, and they are hereby required and firmly enjoined within six months next after the publication of this act to run, mark out and distinguish the boundary lines between the said counties of Westmoreland, Washington and Allegheny, and the aforesaid Eli Coulter, Peter Kidd, and Benjamin Lodge or any two of them who are actually employed in running and marking the line between the counties aforesaid, shall have and receive for their services at the rate of twenty shillings per diem each and no more, and the charges so accrued shall be defrayed by the said county of Allegheny 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 September 24, 1788. Recorded L. B. No. 3, p. 412. See the Act of Assembly passed April 13, 1791, Chapter 1577.