

[No. 150.]

AN ACT

Erecting parts of Jefferson, Clearfield and M'Kean counties into a separate county, to be called Elk.

Boundaries

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all those parts of the counties of Jefferson, Clearfield and M'Kean, lying between the following boundaries, viz: beginning at the north-east corner of Jefferson county, thence due east about nine miles to the north-east corner of lot number two thousand three hundred and twenty-eight, thence due south to Clearfield county, thence east along said line to the east line of Gibson township, and thence south so far that a westwardly line to the mouth of Mead's run shall pass within not less than fifteen miles of the town of Clearfield, and thence westwardly to Little Toby's creek, along said line to the mouth of Mead's run, thence in a northwesternly direction to where the west line of Ridgeway township crosses the Clarion river, thence so far in the same direction to a point from whence a due north line will strike the south-west corner of M'Kean county; thence along said line to the south-west corner of M'Kean county, and thence east along the south line of M'Kean county to the place of beginning, be and the same is hereby erected into a separate county, to be henceforth called Elk.

Commissioners to mark lines

SECTION 2. That Timothy Ives, junior, of Potter county, James W. Guthrie, of Clarion county, and Zacharia H. Eddy, of Warren county, are hereby appointed commissioners, who, or any two of whom, shall ascertain and plainly mark the boundary lines of said county of Elk; and it shall be the duty of the said commissioners to receive proposals, make purchase, or accept donation land in the eligible situations for a seat of justice in the said county of Elk, by grant, bargain, or otherwise, all such assurances for payment of money and grants of land that may be offered to them, or their survivors, in trust for the use and benefit of the said county of Elk; and to lay out, sell and convey such part thereof, either in town lots or otherwise, as to them or a majority of them shall appear advantageous and proper, and to apply the proceeds thereof in aid of the county: *Provided*, That before the commissioners aforesaid shall proceed to perform the duties

proviso

enjoined on them by this act, they shall take an oath or affirmation before some judge or justice of the peace, well Oath and truly and with fidelity to perform said duties according to the true intent and meaning of this act: *Provided also,* That as soon as the county commissioners are elected and qualified, the duties enjoined on the said commissioners shall cease and determine, and shall be performed by the county commissioners so chosen and elected.

SECTION 3. The citizens of the county of Elk, who are or shall be qualified to elect members of the legislature agree- Election ably to the constitution and laws of this commonwealth, shall at the ensuing general election, to be held on the second Tuesday of October, one thousand eight hundred and forty-three, at their respective election districts in said county, elect three commissioners, who when duly elected and qualified to enter upon the duties of their offices, shall have all and singular such authorities and privileges with respect to their county, Commission- ers duties &c and shall receive such compensation as commissioners elected in and for other counties in this commonwealth have by law; and the duration of office of the said commissioners respectively, shall be determined in like manner, and their places supplied as is directed by law on the erection of a new county; and on the election of the said commissioners the powers of the commissioners of Jefferson, Clearfield and M'Kean counties shall cease and determine in the said county of Elk; and the citizens qualified as aforesaid shall at their respective election districts, on the second Tuesday of October, in the year one thousand eight hundred and forty-three, elect three respectable citizens to be auditors for adjusting and settling the accounts of the preceding year, agreeably to the law in such cases: *Provided always,* That all and singular the costs and expenses in laying out and opening Roads roads, all costs chargeable to the county of Elk, arising from criminal prosecutions instituted against persons within said county, and all other costs and expenses incidental to said county, and which of right should be paid by the same, on account of the jurisdiction of the several courts of Jefferson, Clearfield and M'Kean counties, shall be paid by the county of Elk, on warrants drawn by the commissioners of Elk county, and that similar proceeding shall be had in that part of Elk county which formerly belonged to Jefferson, Clearfield and M'Kean counties; and that the said county commissioners and auditors of Elk, so elected, shall hold their office and transact the public business as commissioners and Office auditors of said county of Elk, wherever the said commissioners, or a majority of them, may deem best calculated for the benefit and convenience of the citizens thereof.

Election

SECTION 4. The citizens of the county of Elk shall elect, at the usual places of holding their general elections, in the same manner as heretofore, excepting as hereinbefore provided, until otherwise ordered by law.

Courts

SECTION 5. The several courts in and for the said county of Elk, shall be opened and held at such house as may be designated by the commissioners of said county, to be elected at the general election in eighteen hundred and forty-three, until a court house shall be erected in and for said county as is hereafter directed, and shall be then held at the said court house.

Suits

SECTION 6. That all suits which shall be pending and undetermined in the courts of common pleas of Jefferson, Clearfield and M'Kean counties, on the first day of October, one thousand eight hundred and forty-three, when both parties in such suit or suits shall at the same time be resident in the county of Elk, shall be transferred to the court of common pleas of Elk county, and shall be considered as pending in said court, and shall be proceeded on in like manner as if the same had been originally commenced in said court, except that the fees on the same due to the officers of Jefferson, Clearfield and M'Kean counties shall be paid them when recovered by the prothonotary of Elk county, and the prothonotaries of Jefferson, Clearfield and M'Kean counties, shall on or before the first day of November, one thousand eight hundred and forty-three, purchase a docket, and copy therein all the docket entries respecting the said suits to be transferred as aforesaid; and shall on or before the first day of January, one thousand eight hundred and forty-four, have the said dockets, together with the records, declarations and other papers respecting said suits, ready to be delivered to the prothonotary of Elk county; the expense of said docket, and copying, to be paid by the prothonotary of Elk county, and reimbursed by the said county of Elk, on warrants to be drawn by the commissioners of Elk county on the treasury thereof.

Taxes

SECTION 7. All taxes or arrears of taxes assessed, or which may have become due within the said county of Elk, before the first of September, one thousand eight hundred and forty-three, and all sums of money due to this commonwealth for militia fines in the said county of Elk, shall be collected and recovered as if this act had not been passed.

SECTION 8. The sheriff, treasurer, prothonotary and all such officers as are by law required to give surety for the

faithful discharge of the duties of their respective offices, who shall hereafter be appointed or elected in the said county of Elk, before they or any of them shall enter on the execution thereof, shall give sufficient security in the same manner and form, and for the same uses, trusts and purposes as such officers for the time being are obliged by law to give in the county of Jefferson. Sheriff, prothonotary & other officers surety

SECTION 9. The sheriff, coroners and other officers of the counties of Jefferson, Clearfield and M'Kean, shall continue to exercise the duties of their respective offices within the county of Elk, as heretofore, until similar officers shall be appointed agreeably to law within said county; and the persons who shall be appointed associate judges for the county of Elk, shall take and subscribe the requisite oaths or affirmations of office, before the prothonotary of the court of common pleas of the county of M'Kean, who shall file a record of the same in the office of the prothonotary of the court of common pleas of the county of Elk, who may be appointed at any time after the first day of September, one thousand eight hundred and forty-three. Sheriff and coroners duties

SECTION 10. That it shall and may be lawful for the commissioners of the county of Elk, who shall be elected at the annual election in one thousand eight hundred and forty-three, to take assurances to them and their successors in office of such lot or lots, or piece of ground as shall have been approved of by the trustees appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court house, jail and offices for the safe keeping of the records. Lots court house jail &c

SECTION 11. That the judges of the supreme court shall have like powers, jurisdictions and authorities within the said county of Elk, as by law they are vested with, and entitled to have and exercise in other counties of this state; and said county is hereby annexed to the western district of the supreme court. Supreme ct

SECTION 12. The county of Elk shall be annexed to, and compose part of the eighteenth judicial district of this commonwealth; and the courts in the said county of Elk shall be held on the third Monday of February, May, September and December in each and every year, and continue one week at each term, if necessary. 18th judicial district Courts

SECTION 13. All certioraries directed to, and appeals from the judgment of any justice of the peace of the said county of Elk, and all criminal prosecutions which may originate in said county, before the test day hereinafter mentioned, shall Appeals &c

Test day

be proceeded in as heretofore in courts of common pleas and quarter sessions of the counties of Jefferson, Clearfield and M'Kean; and all process to issue from the courts of the said county of Elk, returnable to the first term in said county, shall bear test on the third Monday of October, one thousand eight hundred and forty-three.

Prisoners

SECTION 14. In all cases when it would be lawful for the sheriff, jailor or prison keeper of the county of Elk, to hold in close custody the body of any person in the common jail of the said county, if such jail were at this time erected in and for said county, such person shall be delivered to, and kept in close custody by, the sheriff, jailor or prison-keeper of the county of Jefferson, who upon delivery of such prisoner to him or them at the common jail in said county of Jefferson, shall safely keep him, her or them until they be discharged by due course of law, and shall also be answerable in like manner, and liable to the same pains and penalties as if the person so delivered were liable to confinement in the common jail of Jefferson county; and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoner had been committed to his or their custody, by virtue of legal process issued by proper authority of the county of Jefferson: *Provided always*, That the sheriff of Elk county be allowed out of the county stock of said county, ten cents per mile as a full compensation for every person charged with a criminal offence which he may deliver to the jail of Jefferson county, by virtue of this act, in orders drawn by the commissioners of Elk, county on the treasury thereof.

Proviso

Provide for prisoners

SECTION 15. The sheriff, jailor and prison keeper of the county of Jefferson, shall receive all prisoners as aforesaid, and shall provide for them according to law, and shall be entitled to the fees for keeping them, and also, to such allowance as is by law directed for the maintenance of prisoners in similar cases, which allowance shall be defrayed and paid by the commissioners of the county of Elk out of the county treasury.

Reception of prisoners jail &c

SECTION 16. The fourteenth and fifteenth sections of this act shall be and continue in force for the term of three years, or until the commissioners of Elk county shall have certified to the court that a jail is erected and ready for the reception of prisoners, and approved of by the court and grand jury, who shall enter their approbation signed by them on the record of said court; and from thenceforth it shall be lawful for the sheriff of Elk county to receive all and every person or persons who may then be confined in the jail of Jefferson

county, in pursuance of this act, and convey them to the jail of Elk county, and to keep them in close custody until they be discharged by due course of law.

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The eighteenth day of April, one thousand eight hundred and forty-three.

DAVID R. PORTER.

[No. 151.-]

A N A C T

For the relief of David Norman, and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized and directed to pay to Daniel Norman, of Berks county, Philip Snell and Susanna Kuhns, of Lancaster county, Alexander Wallis, of Northumberland county, Michael Lingafelter, of York county, Francis Booker, of Allegheny county, Mary Lyon, of Butler county, Mary Lackey, of Perry county, Christopher Babel, of Washington county, Luke Tip-ton, of Holmes county, Ohio, and Robert Archibald, of Holmes county, Ohio, and John Scott of Clearfield county, soldiers and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars each, immediately, as a gratuity and an annuity of forty dollars during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and forty-three.

Berks Lan-
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umberland
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Ohio
Clearfield co

SECTION 2. That the state treasurer is hereby authorized and required to pay to George Harvey, Joseph Harvey, Wil- Jno Harvey's
liam Harvey and Jane Rankin, the surviving heirs of John heirs
Harvey, deceased, or to their legal representatives, the sum
of two hundred dollars, in lieu of a donation tract of land situ-