

No. 68.

An Act

Declaring Tidyute, Hare's and coffee creeks, in Warren county, public highways, and relative to the erection of dams on the head waters of the Lehigh, above the falls at Stodartsville.

Tidyute, Hare's and Coffee creeks declared highways: Relative to dams on the Lehigh.

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 from and after the passage of this act, Tidyute creek in the county of Warren, from its mouth to the second fork of the same, Coffee creek in Warren county, from the east line of Columbus township to its mouth, and Hare's creek within the county of Warren, be and the same are hereby declared public highways.

SECTION 2. That the provisions of the act of twenty-third March, eighteen hundred and three, in relation to the erection of dams in streams declared public highways, be and the same are hereby extended to the waters of the Lehigh, above the falls at Stodartsville, and the dams heretofore erected on the head waters of said stream, above the aforesaid falls, shall be lawful, under the provisions of said act.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini, eighteen hundred and thirty-six.

JOS: RITNER.

No. 69.

An Act

Authorizing the removal of a certain action of ejectment, brought by Anthony F. Miller, against Samuel Brocke, John Drehr, James Cresson, and others, which is now pending in the court of Schuylkill county, to an adjacent county for trial.

Preamble.

WHEREAS, an action of ejectment has been instituted by Anthony F. Miller, against Samuel Brooke, John Drehr,

James Cresson and others, which is now pending in the court Preamble.
of Common Pleas of Schuylkill county, as of July term,
one thousand eight hundred and thirty-five, number
for the recovery of a certain tract of land; *And whereas*, it
is represented to this legislature that a great number of
citizens of the said county of Schuylkill are, either directly
or indirectly, interested in the title to the land for which
the said ejectment is now pending in said county, and that
in consequence of which, a fair and impartial trial cannot
be had in the said county, for remedy whereof—

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 from and after the passage of
this act, it shall and may be lawful for either party in the ^{Either party}
aforesaid action of ejectment, now pending in the court of ^{may remove}
Common Pleas of the said county, wherein Anthony F. ^{the action.}
Miller is plaintiff, and John Drehr, Samuel Brooke, James
Cresson and others are defendants, to remove the same to
the county of Lehigh, in the third judicial district of Penn-
sylvania, which action so removed, shall be proceeded in by
the proper court in like manner, and subject to like rules
and proceeding, as if it had remained in the court in which
it was originally brought; and upon final judgment, testatum
habere facias possessionem, and testatum executions, may
issue, as in other cases: *Provided*, That the plaintiff or ^{Proviso.}
defendants so removing, shall first take and subscribe an
oath or affirmation, before one of the judges of the court of
said county, to be filed of record with the cause, that such
removal is not made for the purpose of delay, but because
he or they firmly believe a fair and impartial trial cannot be
had in the said county of Schuylkill: *Provided further*, That ^{2 Proviso}
the party applying for said removal shall first give a bond,
with sufficient security, to the other party, in a sum of
money sufficient to pay all the costs in such action, if the
party applying for such removal be unsuccessful, which
bond shall be filed in the prothonotary's office of Schuylkill
county.

NER MIDDLESWARTH,

Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini
one thousand eight hundred and thirty-six.

JOS: RITNER.