

No. 144.

An Act

Erecting parts of Northampton and Pike counties into a separate county, to be called Monroe.

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 townships of Ross, Chesnuthill, Tobyhanna, Pocono, Hamilton, Stroud and Smithfield, north of the Blue mountain, in Northampton county, together with the townships of Middle Smithfield, Price and Colbaugh, in Pike county, shall be and the same are hereby declared to be erected into a separate county, to be called Monroe.

Townships
composing
the county.

Rights and
privileges.

SECTION 2. The inhabitants of the said county of Monroe, from and after the first day of September next, shall be entitled to, and at all times thereafter have all and singular, the courts, jurisdictions, offices, rights and privileges to which the inhabitants of other counties of this state are entitled by the constitution and laws of this commonwealth.

Where courts
to be held.

SECTION 3. The several courts in and for the said county of Monroe, shall be opened and held at such house as may be designated by the commissioners of said county, to be elected at the next general election, until a court house shall be erected in and for the said county, as is hereinafter directed, and shall be then held at the said court house.

Transfer of
certain suits
pending.

SECTION 4. All suits and cases which shall be pending and undetermined in the several courts of Northampton county, and in Pike county, on the first day of September next, where both parties in such suit or suits shall at that time be resident in the county of Monroe, shall be transferred to the respective courts of Monroe 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 courts, except that the fees on the same due to the officers of Pike county and Northampton county, shall be paid to them, when recovered by the prothonotary or sheriff of Monroe county, and the prothonotary of Pike county, and the prothonotary of Northampton county shall, on or before the first day of June next, purchase dockets, and copy therein all the docket entries respecting the said suits and cases, to be transferred as aforesaid, and shall, on or before the first day of August next, have the said dockets, together with the records, declarations, and other

papers respecting the said suits and cases, ready to be delivered to the prothonotary of Monroe county, the expenses of said dockets and copying to be paid by the said county of Monroe, on warrants, to be drawn by the commissioners of Monroe county on the treasurer thereof.

SECTION 5. All taxes, and arrears of taxes laid, or which have become due within the said county of Monroe before the passing of this act, and all sums of money due to the commonwealth for militia fines in said county of Monroe, shall be collected and recovered as if this act had not been passed: *Provided always*, That the money arising from the county taxes assessed, or to be assessed within the limits of the said county of Monroe subsequently to the first day of November last, shall from time to time, as the same may be collected, that part thereof which was assessed in the county of Northampton, be paid into the treasury of the county of Northampton, for the use and benefit of the county of Monroe, until a treasurer shall be appointed in the county of Monroe; and the treasurer of the county of Northampton shall keep separate accounts thereof, and pay the same to the treasurer of Monroe county, as soon as he shall have been appointed, and whatever part of said taxes that have been assessed since the first day of November last, may remain uncollected in the county of Monroe at the time of the appointment of the treasurer thereof, the same shall be collected in the usual manner, and paid into the treasury of the county of Monroe: *And provided also*, That the same order and proceedings shall likewise be observed on this subject between the counties of Pike and Monroe.

SECTION 6. The sheriff, treasurer, prothonotary, and all such officers as are by law required to give surety for the faithful discharge of their respective offices, who shall hereafter be appointed or elected in the said county of Monroe, before they or any of them shall enter on the execution thereof, shall give sufficient security, in the same manner and form, for the same uses, trusts, and purposes, as such officers for the time being are obliged by law to give in the county of Pike.

SECTION 7. The sheriff, coroner, and other officers in the county of Northampton, shall continue to exercise the duties of their respective offices as heretofore, within that part of Monroe county, which, before the passing of this act, was within the county of Northampton; and the sheriff, coroner, and other officers of the county of Pike, shall continue to exercise the duties of their respective offices as heretofore, within that of Monroe county which before the passing of this act was within the county of Pike, until similar officers shall be appointed, agreeably to law, within the county of Monroe; and the persons who shall be appointed associate judges for the county of Monroe, shall take and

subscribe the requisite oaths and affirmations of office, before the prothonotary of the court of Common Pleas of the county of Northampton, who shall file a record of the same in the office of the prothonotary of the court of Common Pleas of the county of Monroe, who may be appointed at any time after the passage of this act.

Election of members of the legislature and of Congress.

SECTION 8. The inhabitants of the counties of Northampton, Wayne, Pike and Monroe, shall jointly elect such number of representatives, and in conjunction with Lehigh county, two senators, to serve in the legislature of this commonwealth, as said counties may be entitled to, or separately, as may hereafter be arranged, in the same mode, and under the same regulations, and make returns in the same manner as is or shall be directed by the laws of this commonwealth for conducting and making returns in the said counties of Northampton, Wayne and Pike, in the case of representatives, and of the said counties and Lehigh county, in the election of senators; and the said county of Monroe shall form a part of the district now composed of the counties of Northampton, Wayne and Pike, for the election of a member of Congress, until otherwise directed by the legislature of this commonwealth.

Manner of fixing site of court house, jail and public offices.

SECTION 9. The qualified voters residing within the bounds of the said county of Monroe, shall meet on the first day of July next, at the places appointed for holding the general elections in the said county, of which election twenty days public notice shall be given, by five written or printed advertisements, put up at five of the most public places in each township, by the constable or supervisors of highways thereof, giving notice of the time and place of holding the said election, and the said qualified voters shall on the said day, vote by ballot, for the site whereupon the court house, jail and public offices for the county of Monroe shall be erected, which election shall be held and conducted in the same manner that the general elections in this commonwealth are held and conducted, and by the same judges, inspectors, and clerks who held and conducted the last general election, unless some of the said judges, inspectors and clerks shall have removed, died, or been prevented from attending, in which case the vacancy or vacancies may be supplied between ten and twelve o'clock in the morning, by the attending qualified voters, or a majority of them; and the said election shall be held and conducted under the same solemnities, rules and laws appointed for the regulating and conducting the general elections; and one of the judges from each election district within the said county of Monroe, shall attend with the election returns, on the second day of July next, at the house of S. J. Hollinshead, in Stroudsburg, between the hours of two o'clock and seven o'clock in the afternoon, and add the

number of votes given for each site voted for, and make and sign duplicate certificates of the whole number of votes given, and if a majority of the whole number of votes given shall designate some one particular site, then they shall certify that fact; but if there should not be a majority of the whole number of votes for any particular site, they shall proceed immediately to notify the several constables or supervisors of the several townships of the same, whose duty it shall be to advertize that a subsequent election will be held, on Tuesday the twenty-sixth day of July then next, for the purpose of deciding the same, which subsequent election shall be conducted in the same manner, and by the same officers who shall have held and conducted that of the first of July, and the returns shall be made on Thursday the twenty-eighth of July, at the same place and in like manner as the first, except that the site having the highest number of votes at such subsequent election, shall be considered as the place fixed upon, one of which certificates shall be sent to Governor of this commonwealth, and the other shall be delivered unto the commissioners of Monroe county, as soon as may be after such shall be elected; and Moses W. Coolbaugh, Benjamin V. Bush, William Van Buskirk, Michael Shoemaker, and Joseph Trach, are appointed trustees, whose duty it shall be to receive written offers of donations in real estate and money, towards defraying the expenses of the lands and public buildings for the use of the county of Monroe, which written offers shall, so far as by the terms of them shall be applicable, be held obligatory on the person who have made them, and shall be delivered over to the county commissioners of Monroe county, as soon as such shall be elected, and shall be recovered by them, and applied as aforesaid; and if real estate, the same may be sold and conveyed by the said county commissioners, and the money applied as aforesaid; and it shall be lawful for the commissioners of the county of Monroe, who shall be chosen at the next annual election, to take assurance to them and their successors in office, of such lot or lots of ground as shall have been designated by the majority of the votes given as aforesaid, for the purpose of erecting therein a court house, jail, and offices for the safe keeping of the records, and the county commissioners are hereby authorized to receive by subscriptions or donations, money and materials toward defraying the expenses of the said lots and buildings, and they also are hereby authorized to assess, levy, and collect a sufficient sum to defray the expenses thereof, and for building a court house and prison, or so much as shall be needful to supply deficiencies, in case there shall not be a sufficiency given and subscribed as aforesaid, which court house and prison they are hereby authorized to erect.

Trustees ap-
pointed; their
duties.

County com-
missioners;
their duties.

- Supreme court.** SECTION 10. The judges of the Supreme court shall have like powers, jurisdictions and authorities within the said county of Monroe, as by law they are vested with and entitled to have and exercise in other counties of this state, and the said county is hereby annexed to the eastern district of the Supreme court.
- Judicial district.** SECTION 11. The county of Monroe shall be annexed to and compose part of the eleventh judicial district of this commonwealth, and the courts in said county of Monroe, shall be held on the third Mondays of February, May, September and December, in each and every year, and to continue one week at each term, if necessary; the first court to be held on the third Monday of December next.
- Time of holding courts.**
- Certioraries and appeals.** SECTION 12. Certioraries directed to, and appeals from the judgement of any justice of the peace of the said county of Monroe, and all criminal prosecutions which may originate in the said county, before the test day hereinafter mentioned, shall be proceeded in as heretofore in the courts of Common Pleas and Quarter Sessions of the counties of Northampton and Pike, respectively, and all process to issue from the courts of the said county of Monroe, returnable to the first term in said county, shall bear test on the third Monday of October next.
- Returns of election.** SECTION 13. The judges of the district elections within the county of Monroe, shall meet together at the place where the courts are to be held in the said county, and after having proved the returns of the whole election, shall dispose of the said returns in the same manner as by law the county of Pike are required to do.
- Persons liable to imprisonment to be confined in the jail of Northampton county.** SECTION 14. In all cases when it would be lawful for the sheriff, jailor, or prison keeper of the county of Monroe, 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 the said county, such person shall be delivered to and kept in close custody by the sheriff, jailor, or prison keeper of the county of Northampton, who upon delivery of such prisoners to him or them, at the common jail in the said county of Northampton, shall safely keep him, her, or them, until they be discharged by the 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 Northampton 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 said county of Northampton: *Provided always*, That the sheriff of Monroe 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 may be delivered to the jail of
- Proviso.**

Northampton county, by virtue of this act, on orders drawn by the commissioners of Monroe county on the the treasurer thereof.

Jail fees.

SECTION 15. The sheriff, jailor, and prison keeper of the county of Northampton, shall receive all prisoners as aforesaid, and shall provide for them according to law, and shall be entitled to fees for keeping them, and also for 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 Monroe, out of the county stock.

When prisoners are to be conveyed to the jail of Monroe co.

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 Monroe 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 approbation, signed by them, on the records of said court, and from thenceforth it shall be lawful for the sheriff of Monroe county to receive all and every person or persons who may be then confined in the jail of Northampton county, in pursuance of this act, and convey them to the jail of Monroe county, and to keep them in close custody until they be discharged by due course of law.

NER MIDDLESWARTH,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER,

No. 145.

An Act

For the relief of Josiah Pell, and other soldiers and widows of soldiers of the Revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in*