

No. 145.

AN ACT

Erecting parts of Lycoming and Centre into a new County.

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

Boundaries
of

of Lycoming and Centre, and lying within the following boundaries, viz: Beginning at Pine Creek, where the north line of Lycoming county crosses said creek; thence a straight line to the house of William Herrod; thence following the Coudersport and Jersey Shore turnpike, the several courses and distances thereof, to the middle of Pine Creek; thence down the said creek, the several courses thereof, to its junction with the West Branch of the river Susquehanna; thence a straight line to the north-east corner of Centre county; thence to include Logan, Lamar and Bald Eagle townships, in Centre county; thence along the Lycoming county line to the south-west corner of said county; then e by the lines of Clearfield, McKean, Potter and Tioga counties, to the place of beginning; and the same is hereby created into a separate county, to be called "Clinton," the seat of justice to be fixed by commissioners hereinafter appointed.

Clinton county

Commissioners to mark boundary and fix upon a site for the seat of Justice

SECTION 2. That William Colt, of Columbia county, Joseph Pressler, of Dauphin county, and John Cresswell; of Huntingdon county, be and are hereby appointed commissioners, whose duty it shall be to ascertain and plainly mark, the boundary lines of said county of Clinton, and to fix upon a proper and convenient site for a seat of justice for said county of Clinton, and for a court house, prison and county offices, within the said county, as near the centre as in their opinion the situation thereof will warrant, and the said commissioners or a majority of them, having ascertained and marked the boundary lines aforesaid, and having viewed the relative advantages of the several situations contemplated by the people, shall, on or before the first day of September next, by a written report, under their hands and seals or under the hands and seals of a majority of them, certify, describe and limit, the site or lot of land, which they shall have chosen for the purpose aforesaid, and shall transmit the said report, accompanied with a draft or plot of said county of Clinton, to the Governor of this commonwealth, and the persons so as aforesaid named

To report

as commissioners, shall receive three dollars per diem for their services, out of the funds of said county. Their compensation

SECTION 3. The citizens of the county of Clinton, who are or shall be qualified to elect members of the legislature, agreeably to the constitutional laws of this commonwealth, shall at the ensuing general election, to be held on the second Tuesday of October next, at their respective election districts in said county, elect three county 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, 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 place supplied as directed by law on the erection of a new county, and on the election of the said commissioners; the powers of the commissioners of Lycoming and Centre counties, shall cease and determine in the said county of Clinton. And it shall be the duty of the Governor of this commonwealth, to nominate or appoint, two reputable citizens in the said county of Clinton, as associate judges, in and for the said county, before the meeting of the legislature in January, one thousand eight hundred and forty. And the citizens, qualified as aforesaid, shall, at their respective election districts, on the second Tuesday of October next, elect one reputable citizen to be sheriff of said county of Clinton, and one reputable citizen to be coroner of the said county of Clinton, and the said officers, viz: the sheriff and coroner, shall enter upon the duties of their respective offices, as soon as qualified by law and the provisions of this act, and the said officers shall be thereafter elected, as regulated by the general laws of this commonwealth, in other counties. County commissioners to be elected
Their duties
Associate judges to be appointed
Sheriff and coroner to be elected
Proviso
Certain costs to be paid by Clinton

And the citizens, qualified as aforesaid, shall, at their respective election districts, on the second Tuesday of October next, elect three respectable citizens to be auditors, for adjusting and settling the accounts of the preceding year, agreeably to law in such case. *Provided always*, That all and singular, the costs and expenses in laying out and opening roads; all costs chargeable to the county of Clinton, arising from criminal prosecutions instituted against persons within said county, and all other costs and expenses incident to said county, and which of right should be paid by the same, on account of the jurisdiction of the several courts of Lycoming and Centre counties, shall be paid by the county of Clinton, on warrants drawn by the commissioners of Clinton county, and that similar proceedings shall be had in that part of Clinton county which formerly belonged to Lycoming and Centre counties, and that the said county commissioners and auditors of Clin-

When commissioners and auditors to keep their offices

ton county, so elected, shall hold their offices and transact the public business, as commissioners and auditors of said county of Clinton, wherever the said commissioners or a majority of them, may deem best calculated for the benefit and convenience of the citizens thereof.

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

When courts to be held

SECTION 5. The several courts, in and for the said county of Clinton, 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 said county, as is hereinafter directed, and shall be then held at said court house.

Certain suits how to be transferred to Clinton county

SECTION 6. All suits that shall be pending and undetermined in the courts of common pleas of Lycoming and Centre counties, on the first day of September next, after the passage of this act, when the defendant in such suit or suits, shall at that time be resident in the county of Clinton, shall be transferred to the court of common pleas of Clinton 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 Lycoming and Centre counties, shall be paid to them when recovered by the prothonotary or sheriff of Clinton county, and the prothonotaries of Lycoming and Centre counties, shall, on or before the first day of August next, 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 September next, have the said docket, together with the records, declarations, and other papers respecting said suits, ready to be delivered to the prothonotary of Clinton county, the expense of said docket and copying to be paid by the prothonotary of Clinton county, and reimbursed by the said county of Clinton, on warrants, to be drawn by the commissioners of Clinton county on the treasurer thereof.

Taxes and militia fines, how to be paid

Proviso

SECTION 7. All taxes or arrears of taxes, assessed, or which may have become due within the said county of Clinton before the passage of this act, and all sums of money due to this commonwealth for militia fines, in said county of Clinton, shall be collected and recovered as if this act had not been passed. *Provided always*, That the money arising from the road or county taxes assessed, or to be assessed within the limits of the county of Clinton, subsequently to the first day of March, eighteen hundred and thirty-nine, shall from time to time, as the same may be collected, be paid into

the treasury of the counties of Lycoming and Centre, for the use and benefit of the county of Clinton, until a treasurer shall be appointed in the county of Clinton, and the treasurers of the counties of Lycoming and Centre shall keep separate accounts thereof, and pay the same to the treasurer of the county of Clinton, as soon as he shall have been appointed, and whatever part of said taxes may remain uncollected in the county of Clinton, 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 Clinton.

SECTION 8. The sheriff, treasurer, prothonotary, and all such officers as are by law required to give security for the faithful discharge of the duties of their respective offices, who shall hereafter be appointed or elected, in the said county of Clinton, before they or any of them shall enter on the execution thereof, shall give sufficient security, in the same manner, and form and amount, for the same uses, trusts and purposes, as such officers for the time being, are obliged by law to give in the county of Lycoming.

SECTION 9. The sheriffs, coroners, and other officers of the county of Lycoming and Centre, shall continue to exercise the duties of their respective offices within the county of Clinton, as heretofore, until similar officers shall be elected and qualified to act, agreeably to law, within said county, and the persons who shall be appointed associate judges, for the county of Clinton, shall take and subscribe the requisite oaths or affirmations of office, before the prothonotary of the court of Common Pleas, of the county of Lycoming, who shall file a record of the same in the office of the prothonotary of the court of Common Pleas, of the county of Clinton, who may be appointed at any time after the passage of this act.

SECTION 10. The inhabitants of the counties of Lycoming and Clearfield, and of the county of Clinton, shall jointly elect two members to the house of Representatives of this commonwealth; and the said county of Clinton, in conjunction with the counties of Centre, Huntingdon and Mifflin, shall elect one member of Congress, in the same mode, 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 of the elections of the county of Clinton, any thing in this act to the contrary notwithstanding.

SECTION 11. It shall and may be lawful for the commissioners of the county of Clinton, who shall be elected at the next annual election, to take assurance or 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

Certain taxes to be paid to Clinton county

County officers to give security

When duties of sheriff, &c. in Lycoming and Centre, to cease in Clinton

Associate judges when to take official oaths

District for electing member H. R.

For electing members of congress

Relative to grounds for erecting public buildings

erecting thereon a court house, jail and offices, for the safe keeping of the records.

Jurisdiction of supreme court in northern district SECTION 12. The judges of the supreme court, shall have like powers, jurisdiction and authorities, within the said county of Clinton, 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 northern district of supreme court.

Annexed to 4th judicial district SECTION 13. The county of Clinton shall be annexed to and compose part of the fourth judicial district of this commonwealth, and the courts of said county of Clinton, shall be held on the second Monday following the courts of Clearfield county, in each and every year, and to continue one or more weeks, if necessary.

Time of holding courts SECTION 14. All certioraries, directed to, and appeals from the judgment of any justice of the peace, of said county of Clinton, and all criminal prosecutions which may originate in said county, before the test day hereinafter mentioned, shall be proceeded in as heretofore, in courts of common pleas and quarter sessions of the counties of Lycoming and Centre, and all process to issue from the courts of the said county of Clinton, returnable to the first term in said county, shall bear test on the third Monday of September next, and the respective third Mondays of February, May, September and December, in each year.

Test days of process SECTION 15. The judges of the district elections, for the election of Senators, Representatives in the state legislature of this commonwealth, and for a member of Congress, within the county of Clinton, after having formed the returns of the whole election within said county, as is or may be directed by law, shall on the third Tuesday of October, in each year, send the same, by one or more of their number, as follows: for senator, to the court house in the borough of Williamsport, in the county of Lycoming; for representatives in the legislature of this Commonwealth, to the house of J. & W. Devlings, Lockhaven, Lycoming county; for a member of Congress, to the house of Jeremiah C. Betts, in Enisville, in the county of Huntingdon; when and where the judges so met, shall cast up the several county returns, within the respective districts, and execute under their respective hands and seals, as many returns for the whole district, as are or may be required by law.

Returns, election of Senators, Representatives, and members of congress SECTION 16. In all cases when it would be lawful for the sheriff, jailor or prison keeper, of the county of Clinton, 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

Prisoners where to be confined

prison keeper, of the county of Lycoming, who upon delivery of such prisoner to him or them, at the common jail in said county of Lycoming, 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 Lycoming 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 Lycoming.

Provided always, That the sheriff of Clinton county, be allowed, out of the county funds 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 Lycoming county, by virtue of this act, in orders, drawn by the commissioners of Clinton county on the treasury thereof.

Proviso
Fees for deliv-
ering prison-
ers

SECTION 17. The sheriff, jailor and prison keeper, of the county of Lycoming, 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 prisoner in similar cases, which allowance shall be defrayed and paid by the commissioners of the county of Clinton out of the county treasury.

Duty, jailor
of Lycoming
county

SECTION 18. The sixteenth and seventeenth sections of this act shall be and continue in force for the term of three years, or until the commissioners of Clinton 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 Clinton county to receive all, and every person or persons, who may then be confined in the jail of Lycoming county, in pursuance of this act, and convey them to the jail of Clinton county and to keep them in close custody until they be discharged by due course of law.

When sec-
tions 16 and
17 to expire

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twenty-first day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.