

[No. 41.]

AN ACT

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

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 Northampton and Monroe, lying within the following bounds, viz: Beginning at the north-west corner of Northampton county, thence southwardly along the said county line till it intersects the northern line of Lehigh county, thence eastwardly along the top of the Blue mountain to the south-west corner of Monroe county, thence northwardly along the Monroe county line and continue the same point of compass in a direct line through Tobyhanna township, in Monroe county, to such point as may strike the Luzerne county line, thence westwardly along the Luzerne county line to the place of beginning, shall be, and the same is, according to the foregoing lines, declared to be erected into a separate county, to be called Carbon: *Provided,* That the territory taken from Monroe county, shall only embrace the township of Penn Forest, and that the said township of Penn Forest shall constitute the whole of the territory taken from Monroe county, by the provisions of this act. Boundaries

SECTION 2. The inhabitants of the said county of Carbon, 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. Courts &c.

SECTION 3. The several courts in and for the said county of Carbon, shall be opened and held at such houses 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. When held

SECTION 4. That no suit or prosecution which has been heretofore commenced, or which shall be commenced in any Suits and of the courts of the counties of Northampton and Monroe, prosecutions before the third Monday of November next, shall be delayed,

discontinued or effected by this act, but the same shall be completed and carried into execution by the sheriff and coroner of the aforesaid counties, respectively, as fully and completely as if this act had not been passed.

Taxes

SECTION 5. All taxes and arrears of taxes laid, or which have become due within the said county of Carbon, before the passing of this act, and all sums of money due to this commonwealth for militia fines in said county of Carbon, shall be collected and recovered as if this act had not been passed:

Proviso

Provided always, That the money arising from the county taxes assessed or to be assessed within the limits of the said county of Carbon, 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, to be paid into the treasury of the county of Northampton, for the use and benefit of the county of Carbon, until a treasurer shall be appointed in the county of Carbon; and the treasurer of the county of Northampton shall keep separate accounts thereof, and pay the same to the treasurer of Carbon 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 Carbon at the time of the appointment of the treasurer thereof, the same shall be in the usual manner and paid into the treasury of the county of Carbon: *And provided also*, That the same order and proceedings shall likewise be observed on this subject between the counties of Monroe and Carbon.

2d proviso

Sheriff coroner &c.

SECTION 6. 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 Carbon county, which, before the passing of this act, was within the county of Northampton; and the sheriff, coroner or other officers of the county of Monroe, shall continue to exercise the duties of their respective offices as heretofore, within that part of Carbon county, which, before the passing of this act, was within the county of Monroe, until similar officers shall be appointed, agreeably to law, within the county of Carbon; and the persons who shall be appointed associate judges for the county of Carbon, shall take and subscribe the requisite oaths and affirmation 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 prothonotary of the court of common pleas of the county of Carbon, who may be appointed at any time after the passage of this act.

SECTION 7. That the governor be, and he is hereby authori-

zed and required, on or before the first day of May next, en-Commission-
suing, to appoint three discreet and disinterested persons, not ^{ers to fix site}
resident in the counties of Northampton, Luzerne, Lehigh, ^{&c.}
Columbia and Carbon, whose duty it shall be to fix on a
proper and convenient site as near the centre of said county
of Carbon as is practicable, for a court house, prison and county
offices, and shall also run or cause to be run, and correctly
ascertain the boundary lines of said county of Carbon; and
said persons, or a majority of them, shall, on or before the first
day of July next, by a written report, under their hands or
under the hands 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 make out a correct plot or draft of
said county, and shall transmit the said report and draft to the
secretary of this commonwealth; and the persons so as afore-
said appointed, shall each receive two dollars per day for their
services, the moneys to be raised in pursuance of this act:
Provided always, That before the said commissioners shall ^{Proviso}
proceed to perform the duties enjoined on them by this act,
they shall take an oath or affirmation before some judge or
justice of the peace, well and truly, and with fidelity, to per-
form said duties without favor to any person, according to the
true intent and meaning of this act.

SECTION 8. John D. Bowman, Thomas Weiss, John Fatz-Trustees to
inger, Abram Shoriz and Samuel Wolf, are appointed trustees, <sup>receive dona-
tions</sup>
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 Carbon, which written offers shall, so far as by the terms
of them shall be applicable, be held obligatory on the per-
sons who have made them, and shall be delivered over to the
county commissioners of Carbon 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 con-
veyed by the said county commissioners, and the money ap-
plied as aforesaid; and it shall be lawful for the commission-
ers of the county of Carbon, who shall be chosen at the next
annual election, to take assurance to them and their succes-
sors in office, of such lot or lots of ground as shall have been
designated by the aforesaid commissioners, for the purpose of
erecting thereon 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 towards 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 ex-
penses 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 afore-

said, which court house and prison they are hereby authorized to erect.

Annexed to
eastern dist
sup court

SECTION 9. The judges of the supreme court shall have like powers, jurisdictions and authorities, within the said county of Carbon, 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.

Annexed to
12th judicial
district

SECTION 10. The county of Carbon shall be annexed to and compose part of the twelfth judicial circuit or district of this commonwealth; and the courts in the said county of Carbon 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.

Certioraries
appeals &c.

SECTION 11. Certioraries directed to, and appeals made from the judgment of any justice of the peace of the said county of Carbon, 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 Monroe, respectively, and all process to issue from the courts of the said county of Carbon, returnable to the first term in the said county, shall bear test on the third Monday of October next.

Meeting of
judges of
elections

SECTION 12. The judges of the district elections, within the county of Carbon, shall meet together at the place where the courts are to be held in the said county, and having proved the returns of the whole election, shall dispose of the said returns in the same manner as by law the county of Monroe are required to do.

Prisoners

SECTION 13. In all cases when it would be lawful for the sheriff, jailor or prison keeper of the county of Carbon 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 the delivery of such prisoners to him or to 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 prisoners had been committed to his or their custody, by virtue of a legal process issued by proper authority of the said county of Northampton: *Provided always*, That the sheriff of Carbon county

Proviso

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

SECTION 14. The sheriff, jailor and prison keeper of the Northampton county of Northampton, shall receive all persons as aforesaid, *co prison* 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 allowances shall be defrayed and paid by the commissioners of Carbon, out of the county stock.

SECTION 15. The thirteenth and fourteenth sections of this Co comm's act shall be, and continue in force for the term of three years, jail &c. or until the commissioners of Carbon 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 Carbon county to receive all and every person and persons, who may then be confined in the jail of Northampton county, in pursuance of this act, and convey them to the jail of Carbon county, and to keep them in close custody, until they be discharged by due course of law.

SECTION 16. That the citizens of the county authorized by *Convicts in* virtue of this act, shall pay the expenses that shall accrue, *penitentiary* annually, for the support of convicts in the eastern penitentiary of Pennsylvania, that have heretofore been and that shall hereafter (before the said county shall be organized) be sentenced from the county of Northampton, aforesaid, for crimes that shall have been or that may be committed within the bounds of the county, hereby organized, as aforesaid.

SECTION 17. That the citizens of the said county of Carbon shall be liable and bound to support and maintain all such person or persons, that now are, or hereafter may become paupers, and are confined or supported in the poor house of the said county of Northampton, who, before the erection of the same, were either residents, citizens or paupers within the bounds of the county hereby created and organized as aforesaid. *Paupers in Northampton poor house*

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

APPROVED—The thirteenth day of March, eighteen hundred and forty-three.

DAVID R. PORTER.