

1798. in the said academy, as many poor scholars as may be offered ; provided the number does not exceed ten at any one time.

Passed 16th March, 1798.—Recorded in Law Book No. VI. page 247.

### CHAPTER MDCCCCLXXIV.

*An ACT to afford relief to Pittsburgh academy, in the county of Allegheny.*

SECT. 1. [GRANT to the Pittsburgh academy of five thousand dollars.]

Four scholars to be there taught.

SECT. II. *And be it further enacted by the authority aforesaid,* That there shall be admitted into the said academy any number of poor students, who may at any time be offered, in order to be taught *gratis* ; provided the number so admitted and taught shall at no time be greater than ten, and that none of the said students shall continue in the said academy longer than two years, if others should apply for admittance.

Passed 16th March, 1798.—Recorded in Law Book No. VI. page 315.

### CHAPTER MDCCCCLXXV.

*An ACT for erecting part of the county of Northampton into a separate county.*

WHEREAS the inhabitants of the northern part of Northampton county have, by their petitions, set forth to the General Assembly of this state the great hardships they labour under, from being so remote from the present seat of justice and the public offices :

Part of Northampton erected into Wayne county.

SECT. I. *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 that part of Northampton county, lying and being to the northward of a line to be drawn and beginning at the west end of George Michael's farm, on the river Delaware, in Middle Smithfield township, and from thence a straight line to the mouth of Trout creek, on the Lehigh, adjoining Luzerne county, shall be, and the same is hereby declared to be erected into a county, henceforth to be called Wayne.

The rights of the inhabitants of the new county.

SECT. II. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Wayne be entitled to, and shall at all times hereafter have, all and singular the courts, jurisdictions, officers, rights and privileges, to which the inhabitants of other counties of this state are entitled by the constitution and laws of this commonwealth.

The courts of Wayne county.

[SECT. III. *And be it further enacted by the authority aforesaid,* That from and after the first day of September next, the Courts of Common Pleas and General Quarter Sessions in and for the said

county of Wayne shall be opened and held at the house now occupied by George Buchanan at Milford, in the said county of Wayne, until a court-house shall be erected in and for the said county, as herein after directed, and shall then be held at said court-house.] <sup>1798.</sup> where to be held. [Obsolete.]

SECT. IV. *And be it further enacted by the authority aforesaid,* That no suit or prosecution which has been heretofore commenced, or which shall be commenced in the courts of the county of Northampton before the first day of September next, shall be delayed, discontinued, or affected by this act, but the same shall be issued and done of all such judgments by the Sheriff and Coroner of Northampton county, as if this act had not been made. Provision for continuing all process depending in Northampton county.

SECT. V. *And be it further enacted by the authority aforesaid,* That all taxes, and arrears of taxes, laid, or which have become due within the county of Wayne, before the passing of this act, and all sums of money due to this commonwealth for militia fines in the said county of Wayne, shall be collected and recovered, as if this act had not been made. Taxes and militia fines in Wayne county, how to be collected.

SECT. VI. *And be it further enacted by the authority aforesaid,* That the Sheriff, Treasurer and Prothonotary, and all such officers, as have heretofore usually given surety for the faithful discharge of the duties of their respective offices, who shall hereafter be appointed or elected in the said county of Wayne, 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 do in the county of Northampton. Officers of Wayne county to give security.

[SECT. VII. *And be it further enacted by the authority aforesaid,* That the Sheriff, Coroner, and other officers of the county of Northampton, other than the Justices of the Peace, shall continue to exercise the duties of their respective offices within the county of Wayne, until similar officers shall be appointed, agreeably to law, within the said county.] Officers of Northampton to act, till new officers are appointed. [Obsolete.]

[SECT. VIII. *And be it further enacted by the authority aforesaid,* That the inhabitants of the county of Northampton and of the county of Wayne shall jointly elect four Representatives, and one Senator, to serve in the Legislature of this commonwealth, in the same mode, under the same regulations, and make return 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 Northampton, any thing in this act to the contrary notwithstanding.] Representatives and Senators for Wayne county how to be elected. [Supplied.]

[SECT. IX. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby, authorized and required to appoint three Commissioners, who, or a majority of them, shall meet at the house of George Michael, in Middle Smithfield township aforesaid, on the first Monday in September next, and proceed to run the boundary line between the county of Northampton and the county of Wayne, for which service the said Commissioners shall have and receive three dollars *per diem*, and a reasonable allowance for their expenses, for every day they shall be employed in the said service, to be paid by warrants drawn by the county Commissioners on the Treasurer of Northampton county.] Commissioners to be appointed for running the boundary between Northampton and Wayne counties. (Obsolete.)

1798.

Trustees appointed to fix the place for holding courts, &c. in Wayne county.

[SECT. X. *And be it further enacted by the authority aforesaid,* That Daniel Strowd, Abraham Horn, John Molhallon, Samuel C. Seely, and Samuel Stanton, of the counties of Northampton and Wayne, be, and they are hereby appointed Trustees for the county aforesaid, with full authority for them, or a majority of them, to fix on the most eligible spot for the seat of justice in and for the said county, and to purchase or take and receive, by grant, bargain or otherwise, any quantity or quantities of land within the said county, and to survey and lay out the same in town and out-lots; and they or a majority of them, are hereby authorized to sell at public auction, after due notice given in the public newspaper of the borough of Easton, and convey, in fee-simple, clear of any reservations whatsoever, so many of said town lots and out-lots as they may think proper, and with the money so arising from the sale of said lots, and with other monies to be duly assessed, levied and collected, within the said county of Wayne, for that purpose, to pay for the lands thus purchased, and to build or erect a court-house and gaol, suitable and convenient for the public, on such of the town lots as aforesaid as shall have been reserved for that purpose; and the said Trustees shall have and receive three dollars *per diem* for their services, out of the monies to be raised in pursuance of this act; and shall from time to time render true and faithful accounts of the expenditures of the same, not only to the Commissioners, but to the Auditors of accounts for the said county of Wayne for inspection, adjustment and settlement.]

Their compensation and duty to account.

(Obsolete and supplied.)

The Commissioners empowered to take assurance of a lot for public buildings.

[SECT. XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners of the said county of Wayne, which shall be elected at the next annual election, to take assurance to them, and their successors in office, of such lot 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, gaol and offices for safe keeping of the records; and that for defraying the expenses thereof the said county Commissioners are hereby authorized to assess, levy and collect, in the manner directed by the acts for raising county rates and levies, a sum, not exceeding two thousand dollars.]

How the expense shall be defrayed.

(Obsolete.)

The county of Wayne attached to the third district of Common Pleas.

[SECT. XII. *And be it further enacted by the authority aforesaid,* That the aforesaid county of Wayne shall be, and is hereby declared to belong to the third district, consisting of the counties of Berks, Northampton, Luzerne, Northumberland, and Lycoming, and the President of the Court of Common Pleas within the said district shall be the President of the Courts of Common Pleas of the said county; and that the Courts of Common Pleas and Quarter Sessions shall be held on the Mondays next after those of Lycoming county.]

When the Courts shall be held.  
(Altered.)

Election of members of Congress for Wayne county.  
(Supplied.)

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said county of Wayne shall form a part of the district composed of the counties of Montgomery, Bucks and Northampton, for the election of members of Congress.]

Jurisdiction of the Su-

SECT. XIV. *And be it further enacted by the authority aforesaid,* That the Judges of the Supreme Court shall have the like powers,

jurisdictions and authorities, within the said county of Wayne, as by law they are vested with and entitled to have and exercise in other counties of this state. 1798.

SECT. XV. *And be it further enacted by the authority aforesaid,* That where the division line shall divide a township, the part of the township thus divided which will remain in Northampton county shall be a township, and the part of the township thus divided which may be in the county of Wayne shall be a township, and retain its original name, until the same shall be altered by the Courts of Quarter Sessions of the said counties respectively.

SECT. XVI. *And be it further enacted by the authority aforesaid,* That that part of Middle Smithfield, which will lie in the county of Wayne, and Delaware township, in the county aforesaid, are hereby erected into a separate election district, and that the electors thereof shall hold their annual election at the house now occupied by William Smith, in Delaware township aforesaid.

SECT. XVII. *And be it further enacted by the authority aforesaid,* That the townships of Matlack and Upper Smithfield, in the said county, are hereby erected into a separate election district, and the electors thereof shall hold their annual elections at the house now occupied by George Buchanan, in Upper Smithfield township aforesaid.

SECT. XVIII. *And be it further enacted by the authority aforesaid,* That that part of Wayne county, not included in the above mentioned districts, is hereby declared to be a separate election district, and the electors thereof shall hold their annual elections at the house now occupied by Elijah Dix. (e)

Passed 21st March, 1798.—Recorded in Law Book No. VI. page 241.

(e) By act of 1st April, 1799. The place of holding the courts in this county, was fixed at *Wilsonville* in Palmyra township, until suitable public buildings should be erected, at a suitable spot, within four miles of the Dyberry forks of Lackawaxen river, in said township, as the trustees appointed in said act should agree on; (chap. 2036.)

But by an act passed 5th April, 1802, (chap. 2281.) The seat of justice was transferred from *Bethany* to *Milford* for three years and no longer; and certain individuals were to erect temporary public buildings at their own charge; and the act of 1st April, 1799, was suspended for three years.

By an act passed 11th February, 1803, (chap. 2320,) the Commissioners of Wayne county, were directed to settle the accounts of the Trustees appointed by the act of 1st April, 1799. After which settlement, and payment of any monies due to the Trustees, the board of Trustees was to be dissolved, and their powers vested in the county Commissioners; and the Trustees are directed to convey to them, in trust, &c. all the lands remaining unsold, conveyed to them for the purposes of erecting public buildings at *Bethany*.

The courts having been re-transferred to *Bethany*, complaints were made to the Legislature of the inconvenience of the situation; and by an act passed 19th March, 1810, the Governor is authorized to appoint three Commissioners to fix on a place for the seat of justice, at, or within five miles of the territorial centre of the county and certain duties are enjoined upon the Commissioners with respect to the grant of lands, &c. for the use of the county. The county Commissioners are directed to lay out a town, sell lots, erect public buildings, &c.; and as soon as they are completed, the public offices, prisoners, &c. are to be removed from *Bethany* to said place.

The Commissioners appointed by this act, have fixed on a place called *Blooming Grove* for the permanent seat of justice for *Wayne* county.

The fourth election district erected by act of 1st December, 1800, (chap. 2141.)

Buckingham, Damascus, and part of Lackawaxen townships, erected into a separate district, by act of 25th February, 1803, (chap. 2326.)

Dyberry and part of Canaan townships, erected into a separate district,

preme Court in Wayne county. Provision in case the division line between Wayne and Northampton shall divide a township.

Part of Middle Smithfield erected into an election district.

Matlack and Upper Smithfield erected into an election district.

The part of Wayne county not included in those districts, made a separate district.

1798. by act of 4th April, 1805, (chap. 2599, § 18.)

Canaan township, erected into a separate district by act of 23th March, 1808, (chap. 2972, § 9.)

Buckingham township erected into a separate district, (*ib.* § 37.)

Delaware township erected into a separate district, by act of 4th April, 1809, (§ 34.)

By the last enumeration, the county of Wayne contained seven hundred and seventy-seven taxables, and the county of Northampton six thousand three hundred and fifty-three taxables; total seven thousand one hundred and thirty taxables; and by act of 21st March, 1808, apportioning the representation,

in pursuance thereof, Northampton and Wayne, jointly, send two members to the Senate, and five members to the House of Representatives.

By act of 24th February, 1806, Berks, Northampton and Wayne, form the third judiciary district. The courts in Berks are held on the first Mondays in January, April, August, and November; in Northampton the second Mondays after the commencement of the courts in Berks, and in Wayne on the second Mondays after the commencements of the courts in Northampton. The term in each county continuing two weeks.

Wayne county is attached to the eastern district of the Supreme Court.

## CHAPTER MDCCCLXXVI.

*An ACT declaring the rivers Ohio and Allegheny, and certain branches thereof, public streams or highways.*

SECT. I. *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 passing of this act, the river Ohio, from the western boundary of the state up to the mouth of the Monongahela, Big Beaver creek, from the mouth up to the first fork in the seventh district of donation land, the Allegheny river, from the mouth to the northern boundary of the state, French creek to the town of Le Beuf, and Conewango creek, from the mouth thereof to the state line, Causawago creek, from the mouth up to the main forks, Little Coniate creek, from the mouth up to the inlet of the Little Coniate lake, Toby's creek, from the mouth up to the second fork, Oil creek, from the mouth up to the main fork, Broken Straw creek, from the mouth up to the second fork, Sandy Lick or Red Bank creek, from the mouth up to the second great fork, be, and the same are hereby declared to be, public streams and highways, for the passage of boats and rafts; and it shall and may be lawful for the inhabitants or others, desirous of using the navigation of the said river and branches thereof, to remove all natural obstructions in the said river, and branches aforesaid.*

Passed 21st March, 1798.—Recorded in Law Book No. VI. page 245.

## CHAPTER MDCCCLXXVII.

*An ACT to provide for copying the records of the several roads heretofore laid out, and which hereafter may be laid out, in the county of Philadelphia.*

WHEREAS it hath been represented to the Legislature, that the records of roads within the county of Philadelphia have, from

Parts of the Ohio, Big Beaver creek, French creek, Conewango creek, Causawago creek, Little Coniate creek, Toby's creek, Oil creek, Broken Straw creek, and Sandy Lick creek, declared highways.