

[No. 79.]

A N A C T

Erecting a New county out of the Northern part of Luzerne county, to be called Wyoming.

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 that portion of the county of Luzerne included in the following boundaries commencing in the township of Exter, in the county of Luzerne, at a point of rocks upon the west bank of the Susquehanna river, near the head of the Flat Rock Rifts, thence a west course parallel with the south line of Susquehanna county, to the eastern line of Lycoming county, thence by and with said east line of Lycoming county, a northeasterly course to the south line of Bradford county, being the north west corner of Luzerne county, thence east by and with the south line of Bradford and Susquehanna counties to the north east corner of Benton township, in Luzerne county, thence by and with the east line of Benton, a south course to the line of Abington township, thence a southerly course direct to the bridge across the creek near Hiram Bailey's, thence a southerly course to intersect the southerly line of Fall township four miles from the place the said line strikes the Susquehanna river, thence direct to the place of beginning, and the same is hereby declared to be erected into a separate county, to be called Wyoming, the seat of justice to be fixed by commissioners hereinafter appointed.

SECTION 2. That Henry Colt of Luzerne county, George Mack of Columbia county, and John Boyle of Susquehanna county, be and are hereby appointed commissioners, whose duty it shall be to ascertain and plainly mark the boundary lines of said county of Wyoming, and the said commissioners or a majority of them having ascertained and marked the boundary lines aforesaid, they or a majority of them shall transmit a draft or plot of said county of Wyoming, under their hands and seals to the governor of this commonwealth, on or before the first day of June next, and the persons aforesaid, named as commissioners, shall receive two dollars per diem for their services out of the fund of said county.

SECTION 3. The governor of this commonwealth is hereby authorized and required to appoint three reputable citizens

Wyoming co
incorporated

Boundaries

Com'issioners
to mark the
lines

of this commonwealth, (not residents of Luzerne county,) commissioners to view, select and locate a proper and convenient site for a seat of justice, for said county of Wyoming, and for a court house, prison and county offices, within the said county, as near the centre as in their opinion the situation and other advantages thereof will warrant, and before said commissioners enter upon the aforesaid duty, they shall severally take and subscribe an oath before some justice of the peace, judge or alderman, well and truly to discharge the duties herein assigned them to the best of their judgment and ability, and after having viewed the relative advantages of the several situations contemplated by the people, shall on or before the first day of July next, by a written report under their hands and seals, or under the hands and seals of the majority of them, describe and limit the site or lot of land, which they shall have chosen for the purpose aforesaid, and shall transmit the said report to the governor of this commonwealth, and the persons herein named as commissioners, shall receive three dollars per diem for their services out of the funds of said county.

The governor
to appoint
commission'rs

SECTION 4. The citizens of the county of Wyoming, who are qualified to elect members of the legislature, agreeably to the constitution and laws of this commonwealth, shall at the general election to be held on the second Tuesday of October, one thousand eight hundred and forty-two, 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 citizens so voting shall designate on their tickets what candidate is to serve for one year, who for two years, and who for three years, and their places shall be supplied as directed by law in other counties in this commonwealth, and on the election of said commissioners, the power of the commissioners of Luzerne shall cease and determine in the said county of Wyoming, and the citizens qualified as aforesaid shall, at their respective election districts on the second Tuesday of October, one thousand eight hundred and forty-two, elect three reputable citizens to be auditors for adjusting and settling the accounts of the preceding year, agreeably to law in such cases; and the citizens qualified to elect as aforesaid, shall, on the second Tuesday of October, one thousand eight hundred and forty-two, at their respective election districts, elect one reputable citizen to be sheriff of said county of Wyoming, one reputable citizen to be coroner of said county, one reputable citizen to be prothonotary and clerk of the court of oyer and terminer and of quarter sessions &c

County com-
missioners
when elected

Auditors how
elected

Election of
Sheriff
Coroner
Prothonotary

Recorder of
deeds
Register of
wills

Associate
judges to be
appointed

of the peace, one reputable citizen to be register of wills and recorder of deeds, and one reputable citizen to be treasurer of said county of Wyoming; and when said officers so elected shall have been commissioned and qualified to enter upon the duties of their offices, they shall be severally entitled to like fees and emoluments that officers of the same kind are entitled to by law, in other counties in this commonwealth, and their places shall be supplied agreeably to the laws of this commonwealth in other counties; and it shall be the duty of the governor of this commonwealth to nominate and appoint two reputable citizens, in the said county of Wyoming, as associate judges, in and for said county, before the meeting of the legislature in January, one thousand eight hundred and forty-three, and the said commissioners and auditors of Wyoming county so elected shall hold their respective offices, and transact the public business as commissioners and auditors of said county of Wyoming, at the place located for the seat of justice, by the commissioners appointed in accordance to the third section of this act for that purpose.

Courts where
held

SECTION 5. The several courts in and for said county of Wyoming, shall be opened and held at such house as may be designated by the commissioners of said county, to be elected at the general election on the second Tuesday of October, one thousand eight hundred and forty-two, 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.

Suits removed
from Luzerne
county

SECTION 6. All suits that shall be pending and undetermined in the court of common pleas, of Luzerne county, on the fourth day of February, one thousand eight hundred and forty-three, after the passage of this act, when the defendant in such suit or suits, shall at that time be resident in the county of Wyoming, shall be transferred to the court of common pleas of Wyoming 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 Luzerne county, shall be paid to them when recovered by the prothonotary or sheriff of Wyoming county; and the prothonotary of Luzerne county, shall on or before the fifteenth day of February, one thousand eight hundred and forty-three, 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 March, one thousand eight hundred and forty-three, have the said docket, together with the records, declarations and other papers respecting such suits, ready to be delivered to the prothonotary of Wyoming county, the expenses of said docket and copying to be paid by the prothonotary of

Wyoming county, and reimbursed by the said county of Wyoming, by warrants to be drawn by the commissioners of Wyoming county on the treasurer thereof.

SECTION 7. All taxes, or arrears of taxes assessed, or which may become due, within the said county of Wyoming, before the passage of this act, and all sums of money due to this commonwealth for militia fines, in said county of Wyoming, shall be collected and recovered as if this act had not been passed: *Provided always nevertheless*, That one half the money arising from the road and county taxes, assessed and to be collected for the year one thousand eight hundred and forty-two, within the limits of the county of Wyoming, shall from time to time as the same may be collected, be paid into the treasury of Luzerne county, for the use and benefit of the county of Wyoming, until a treasurer shall be elected or appointed in the county of Wyoming, and the treasurer of the county of Luzerne, shall keep separate accounts thereof, and pay the same to the treasurer of the county of Wyoming, as soon as he shall be elected and qualified according to law, to discharge the duties of treasurer of Wyoming county, and whatever part of said taxes may remain uncollected, in the county of Wyoming at the time of the election and qualification of the treasurer thereof, the same shall be collected in the usual manner and paid into the treasury of the county of Wyoming. Taxes how collected

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 elected or appointed in the said county of Wyoming, before they or any of them shall enter on the execution thereof, shall give sufficient security in the same manner and form an amount, for the same uses, trusts and purposes, as such officers for the time being are obliged by law to give, in the counties of Luzerne and Bradford. Officers elected to give bonds

SECTION 9. The sheriff, coroner and other officers of the county of Luzerne, shall continue to exercise the duties of their respective offices within the county of Wyoming, 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 Wyoming, shall take and subscribe the requisite oaths or affirmations of office before the prothonotary of the court of common pleas, of the county of Luzerne, who shall file a record of the same in the office of the prothonotary of the court of common pleas of the county of Wyoming, who may be elected at any time after the passage of this act. Sheriff and other officers of Luzerne co to perform certain duties till others are elected for Wyoming co

SECTION 10. The inhabitants of the counties of Luzerne and Wyoming, shall jointly elect two members to the house

Luzerne and
Wyoming to
elect two
members of
Assembly

of representatives of this commonwealth; and the inhabitants of the counties of Luzerne, Wyoming, Wayne, Pike and Monroe, shall elect one member of the senate of this commonwealth; and the inhabitants of the counties of Luzerne, Columbia and Wyoming, 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.

Commissioners
to take assu-
rances of lots
for public
buildings

SECTION 11. It shall be lawful for the commissioners of the county of Wyoming, who shall be elected at the general election of one thousand eight hundred and forty-two, to take assurance or assurances to them and their successors in office, of such lot or lots, or pieces of ground, as shall have been approved of by the commissioners appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court house, jail, and offices for the safekeeping of the records of said county of Wyoming.

Wyoming at-
tached to the
Northern dis-
trict

SECTION 12. The judges of the supreme court shall have like powers, jurisdictions and authorities, within the said county of Wyoming, as by law they are vested with, and entitled to have and exercise in other counties of this state, and the said county of Wyoming, is hereby annexed to the northern district of the supreme court.

Attached to
the 11th Judi-
cial district

SECTION 13. The county of Wyoming shall be annexed to and compose part of the eleventh judicial district of this commonwealth, and the courts of the said county of Wyoming, shall be held on the Tuesday following the courts of the county of Monroe, in each and every year, and to continue one or more weeks if necessary.

When process
to be tested

SECTION 14. All certioraries to an appeal from the judgment of any justice of the peace of the county of Wyoming, and all criminal prosecutions which may originate in said county, before the day hereinafter mentioned, shall be proceeded in as heretofore in the courts of common pleas and quarter sessions of the county of Luzerne, and all process to issue from the courts of said county of Wyoming, returnable to the first term in said county, shall bear test on the third Tuesday of May, one thousand eight hundred and forty-three.

Prisoners to
be confined in
the jail of
Luzerne co

SECTION 15. In all cases when it would be lawful for the sheriff, jailor, or prison keeper, of the county of Wyoming, to hold in close custody the body of any person in the common jail of said county, if such jail were at this time erected in and for said county, such person shall be delivered to and kept in close custody by the sheriff, jailor or prison keeper of the county of Luzerne, who upon delivery of such prisoner

to him or to them, at the common jail of said county of Luzerne, shall safely keep him, her or them, until they be discharged by due course of law, and shall also be amenable 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 Luzerne 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 county of Luzerne: *Provided always*, That the sheriff of Wyoming county be allowed out of the 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 Luzerne county, by virtue of this act, on orders drawn by the commissioners of Wyoming county to the treasurer thereof.

SECTION 16. The sheriff, jailor and prison keeper of the county of Luzerne, 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 by law is directed for the maintenance of prisoners in similar cases, which allowance shall be defrayed and paid by the commissioners of the county of Wyoming out of the county treasury.

Jailer of Luzerne co to receive the prisoners

SECTION 17. The fifteenth and sixteenth sections of this act, shall be and continue in force for the term of three years, or until the commissioners of Wyoming county shall have certified to the court that a jail is erected in said county, 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 Wyoming county, to receive all and every person or persons, who may then be confined in the jail of Luzerne county, in pursuance of this act and convey them to the jail of Wyoming county, and keep them in close custody until they be discharged by due course of law.

The 15th and 16th sections to remain in force for three years

SECTION 18. That this act shall take effect and go into operation on the first day of May, one thousand eight hundred and forty-three, except so far as to enable the county commissioners to contract for the erection of the county buildings, and the survey to be made by the commissioners appointed to sur-

This act not to take effect till first of May 1843

vey the lines of the said county, and also the location of the seat of justice.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

THOS. E. COCHRAN,
Speaker of the Senate, Pro tem.

APPROVED—The fourth day of April, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 80.]

AN ACT

For the relief of John Gordon, and others, soldiers, and widows of Soldiers, of the Revolutionary and Indian wars.

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 au-*

thority of the same, That the state treasurer be and he is hereby authorized and directed to pay to John Gordon, and Stephen Barth, of Lancaster county, James Hunter, of Crawford county, William Wilson, of Allegheny county, soldiers, and to Martha Drennen, of Chester county, Christiana Rowland, of Lebanon county, Rosanna Eager, of Westmoreland county, Mary C. Watles, of Baltimore city, Mary Carnagey, of Columbiana county, Ohio, Barbara Scause, of Washington county, Maryland, and Barbara Steagert of Allegheny county, widows of soldiers of the revolutionary and Indian wars, or to their respective orders, forty dollars each immediately as a gratuity, and an annuity of forty dollars to each during life, payable half yearly, to commence on the first day of January in the year of our Lord, one thousand eight hundred and forty-two.

SECTION 2. The state treasurer is hereby authorized to pay to Joseph Riggs of Mercer county, soldier, and Mary Lyon of Butler county, widow of a soldier of the revolutionary war, or to their respective orders, forty dollars each immediately as a gratuity, and compensation in full for their

John Gordon
Steph'n Barth
James Hunter
Wm Wilson
Martha Dren-
ner Christiana
Rowland Ro-
sanna Eager
Mary C Wat-
les Mary Car-
nagey Barba-
ra Steagert
each to re-
ceive \$40

Joseph Riggs
and Mary
Lyon each to
receive \$40