

No. 55.

AN ACT

Erecting parts of Huntingdon and Bedford counties into a new county, to be called Blair.

- Territory.** 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 territory within the townships of North Woodbury and Greenfield, in the county of Bedford, and the territory within the townships of Allegheny, Antis, Snyder, Tyrone, Frankstown, Blair, Huston and Woodbury, and within that part of Morris township lying westward of the line lately run by William Reed and other viewers, under an order of court, for the purpose of dividing the same, in the county of Huntingdon, are hereby erected, according to said boundaries, into a new and separate county, to be called "Blair;" and the inhabitants thereof shall, from the fourth Monday of July next, have all such courts, jurisdictions, offices, rights and privileges, as the inhabitants of the other counties of this commonwealth are or may be entitled to; and all officers therein shall be qualified in the same manner, and be subject to perform the same duties, and be entitled to receive like fees and compensation, with other similar officers in said other counties; all such officers thereof, as are chosen by election in said other counties, shall be elected in said county of Blair by the qualified electors thereof, at the next township, borough, and general elections, according to the officers required to be elected, under the general provisions of law regulating the elections of such officers; and the successors of all such officers shall be elected or appointed, and qualified, according to said general provisions of law; and all vacancies in any of such offices, existing after the fourth Monday of July next, shall be filled in the manner authorized by law in case of vacancies occurring in such offices, in said other counties; and all justices of the peace, and all constables, and other officers, who may be elected at the March election of one thousand eight hundred and forty-six, in the townships and boroughs by this act embraced, within the limits of said county of Blair, shall be qualified and sworn in as if this act had not been passed; and said officers shall continue as other like officers in the counties of Bedford and Huntingdon, until the fourth Monday of July next, from which time said officers, and all others of like kind then existing in said new county, shall be considered, to all intents and purposes, officers in said county of Blair; and shall be responsible, together with their sureties, in the manner as if they had been elected and qualified in said county of Blair after its complete organization.
- Blair county erected.**
- Privileges.**
- All officers continued.**
- Morris township divided.** SECTION 2. That each of the portions of said Morris township, according to the said division line made by William Reed and others, shall hereafter be separate and distinct townships for all purposes; the portion lying westward of said line to be called Catharine township, and shall hold its general and township elections at the house now occupied by Walter Graham; and the portion lying eastward of said line shall continue to be called Morris, and the qualified electors thereof shall hold their general and township elections at the house now occu-
- Catharine township.**
- Morris township.**

pied by Robert Kincade, in said township; and the electors of said townships, who may at the next March election be at the places respectively herein fixed for holding the elections of said new township, shall, at the hour of one o'clock, make choice of the usual number of officers, who shall hold and conduct said next March elections, according to existing laws regulating such elections; and any deficiency in the proper number of justices of the peace, in either of said new townships, shall be supplied in the manner now prescribed by law for vacancies occurring by death, resignation, or otherwise. Deficiencies in justices of the peace to be supplied.

SECTION 3. That the qualified electors of said new county shall, at their next general election, elect three citizens thereof as commissioners for said county, one of whom shall serve for one year, one for two years, and one for three years, and to be accordingly designated on the tickets of the electors; and said commissioners, together with their successors in office, shall be qualified and elected according to existing laws respecting such officers; and at the same time, said electors shall also elect three citizens to serve as county auditors, to be designated as to their term of service as aforesaid, one thereof to serve for one year, one for two years, and one for three years, who, together with their successors in office, shall be qualified and elected in the same manner as the auditors of other counties. Election of commissioners.

Election of county auditors.

SECTION 4. That said commissioners shall have full power to take to themselves and their successors in office, sufficient deeds and assurances in law for such lots or pieces of ground as shall have been selected for sites for the public buildings of said county, under the provisions of the thirteenth section of this act. Commissioners to receive title to real estate.

SECTION 5. That the return judges of elections in said county of Blair, shall meet at the place where the courts may be held in said county, and having received the returns, shall dispose of the same as is directed by law with respect to other counties. Duties of return judges.

SECTION 6. That one person shall fill the offices of prothonotary, clerk of the courts of general quarter sessions of oyer and terminer, clerk of courts, and of the orphans' court, in said county of Blair; and one person shall fill the offices of register of wills and of recorder of deeds, in said county. Prothonotary and clerk of courts.
Of register and recorder.

SECTION 7. That until the court house shall be erected, as hereinafter authorized, the several courts of said county of Blair, shall be held in such house, within said county, as shall be designated by the commissioners thereof elected at the next general election. Commissioners to provide a place for holding courts.

SECTION 8. The county of Blair shall be annexed to and compose part of the sixteenth judicial district of this commonwealth, and the courts shall be held and commence as follows, to wit: on the fourth Monday of March, July, October and December, in each year; and the first court shall be held in the said county of Blair on the fourth Monday of October next. Compose part of 16th judicial district.
Courts when held.

SECTION 9. That no suit or prosecution which has been heretofore commenced, or which shall be commenced by or against any person within the bounds of said county of Blair, in any of the courts of the counties of Huntingdon or Bedford, before the fourth Monday of July next, shall be delayed, discontinued or affected, by this act; but the same shall be completed, and all judgments thereon carried into execution by the sheriff and coroner of the aforesaid counties respectively, as fully and completely as if this act had not passed, except in the cases, and so far as it is otherwise provided in this act. Suits pending prior to this act, not to be affected by it.

SECTION 10. That the sheriff, treasurer, prothonotary, and all such officers as are by law required to give surety for the faithful discharge of the duties of their respective offices, who shall hereafter be appointed All officers to give security, the same as in Huntingdon county.

or elected in the said county of Blair, 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 and trusts, and purposes, as such officers for the time being, are obliged by law to give in the county of Huntingdon.

Sheriffs, coroners, &c., limitation of offices.

SECTION 11. That the sheriffs, coroners, and other officers of the counties of Huntingdon and Bedford, shall continue to exercise the duties of their respective offices within the county of Blair, until similar officers shall have been appointed or elected agreeably to law, within said county of Blair.

Congressional district.

SECTION 12. That the said county of Blair, shall be attached to and connected with the seventeenth congressional district, and the qualified electors of the county of Blair, together with the counties of Huntingdon, Centre, Mifflin and Juniata, shall continue to elect a member of congress; and the qualified electors of the counties of Blair, Huntingdon and Bedford, shall continue to elect a senator of the state legislature, and the said counties of Blair and Huntingdon, shall each elect one member of the house of representatives of this commonwealth.

Senatorial district
Representative district.

Governor to appoint commissioners.

SECTION 13. That the governor be, and he is hereby authorized and required, on or before the first day of May next ensuing, to appoint three judicious and disinterested persons, not resident in the counties of Huntingdon, Bedford, or Blair, as commissioners, whose duty it shall be, after being duly sworn to perform their duties with fidelity, to run correctly, ascertain and mark the boundary lines of said county of Blair, and to fix upon a proper and convenient site or location for the seat of justice of said county of Blair, and for a court house, prison and county offices, within and for said county of Blair; and that the said commissioners or a majority of them having run, ascertained and marked the boundary lines aforesaid, or caused the same to be done and fixed the site or location which they shall have chosen for the purpose or purposes aforesaid, shall on or before the first day of August next, by a written report under their hands and seals, or a majority of them, certify, describe and limit the site or location which they shall have chosen for the purpose or purposes aforesaid; and make out a correct plot or draft of the said county of Blair, and shall transmit the said report and draft to the secretary of the commonwealth; and the said commissioners shall each receive two dollars per day for their services, together with their reasonable expenses in running or causing to be run the said boundary lines, and in doing what is required to be done by them, out of the moneys to be raised in pursuance of this act: *Provided*, That the said commissioners, in and on or before fixing the site and location of the seat of justice, court house, prison and county offices, for the use and benefit of said county of Blair, shall and are hereby authorized and required to receive propositions and agreements, from any and all persons willing and desirous to make the same for the building of said court house, prison and county offices, or any of them at their own expense, free of charge to said county, or for the giving of money, land or other valuable things, for, towards or in part of the expense of building the same, or any of them, by which propositions and agreements, the person or persons making the same, shall be bound to and for the use of the said county of Blair, if the terms and conditions of the same, or any of them, are acceded to and concurred in by the said commissioners; and the said commissioners shall take into consideration and be influenced by such said propositions and agreements in fixing and determining upon the site or location of the seat of justice, court house, prison, or jail, and county offices, of and for the said county of Blair: *And provided further*, That in

Mark boundary and fix site for public buildings.

Report.

Plot.

Compensation.

Proviso.
Further duties of commissioners.

Proviso.

case the seat of justice, court house, prison or jail, and county offices, of and for said county of Blair, should be located by the said commissioners at or within the limits of Hollidaysburg or Gaysport, in said county of Blair, the bond bearing date the twenty-ninth day of August, Anno Domini, eighteen hundred and forty-five, in the penal sum of twenty thousand dollars, conditioned to indemnify and secure the inhabitants of the said county, created or to be created by this act against any increase of county taxes by reason of, or for the erection of the said court house, public offices and jail of said county, created or to be created by this act, signed by James Gardner, Samuel Calvin and others, and deposited in the office of the branch of the Exchange Bank of Pittsburg at Hollidaysburg, on said day shall be binding on the obligors therein and thereto according to the terms and conditions thereof; and any other like or similar bond or instruments of writing, which may be given by other persons in relation to the location of the seat of justice of said county of Blair, at any other point, town or place, within the limits of the said county of Blair, shall in like manner be binding on the obligors or signers therein and thereto.

Bond of certain persons made valid.

SECTION 14. The judges of the supreme court shall have like powers, jurisdictions and authorities within the said county of Blair, as by law they are vested with and entitled to have, and exercise in other counties in this state; and the said county is hereby annexed to the middle district of the supreme court.

Jurisdiction of supreme court.

SECTION 15. That all taxes and arrears of taxes assessed within the said county of Blair, before the passage of this act, and all sums of fines, money due for militia fines in the said county of Blair, shall be enforced and collected as if this act had not been passed: *Provided*, That the money arising from arrears of county taxes assessed within the limits of the county of Blair, subsequently to the first day of November last, shall from time to time after the fourth Monday of July next, as the same may be collected, be paid into the treasuries of the respective counties of Huntingdon and Bedford, for the use of the county of Blair; until a treasurer shall have been elected or appointed in the county of Blair; and the treasurers of the counties of Huntingdon and Bedford, shall keep separate accounts thereof, and pay the same to the treasurer of the county of Blair, as soon as he shall be legally appointed or elected, and whatever parts of said arrears of taxes may remain uncollected in the county of Blair, at the time of the appointment or election of the treasurer thereof, shall be collected in the usual manner and paid into the treasury of the county of Blair.

Taxes and militia

Taxes for use of county of Blair.

Duties of treasurer.

SECTION 16. All suits, and all appeals and *certioraris*, from and to judgments of justices of the peace, that shall and may be pending and undetermined in the court of common pleas of Huntingdon and Bedford counties, on the fourth Monday of July next, where the parties in such suit or suits shall at that time be residents in the said county of Blair, shall be transferred to the court of common pleas of the said county of Blair, and shall be considered as pending in the last said court, and shall therein be proceeded on, in like manner, as if the same had been originally commenced in the last said court, except that the fees, on the same, due to the officers of Bedford and Huntingdon counties, may at their election, be collected from the plaintiffs, or shall be paid to them when recovered and paid to the sheriff or prothonotary of Blair county; and the prothonotaries of Bedford and Huntingdon counties shall, on or before the first day of June next, purchase the necessary docket or dockets, and copy therein all the docket entries respecting the said suits to be transferred as aforesaid; and shall, on or before

Suits, &c. pending, to be transferred.

Fees how paid.

Dockets.

Expense of dock-
ets to be paid by
Blair.

the fourth Monday of July next, have the said dockets, together with the records, declarations, and other papers, respecting and belonging to said suits, ready to be delivered to the prothonotary of said county of Blair; the expense of said docket or dockets, and copying, to be done as aforesaid, to be paid by the said county of Blair, on warrants to be drawn by the commissioners of said county, on the treasurer thereof; and all process to issue from the court of said county of Blair, returnable to the first term, shall be tested on the fourth Monday of July next.

Duties of pro-
thonotaries of
Bedford and
Huntingdon.

SECTION 17. That the prothonotaries of Bedford and Huntingdon counties, respectively, shall, on the payment of the legal fees by the person applying, furnish to any person who shall demand the same, at any time after the fourth Monday of July next, duly certified transcripts of the docket entries of all judgments, and duly certified transcripts of judgments of justices of the peace, entered and filed in the court of common pleas, of either of the counties, and the same shall, at the instance of the plaintiff, or other party interested therein, be entered by the prothonotary of said county of Blair, in the judgment docket of the court of common pleas of said county, and file the transcripts thereof in his office; and said judgments, being so entered, shall have the same force and effect, and may be proceeded in to final execution, as if the same had been originally rendered in said court; but nothing herein contained shall be construed to impair, or in anywise to prejudice the lien of any such judgment or transcript, or of any other judgment or transcript, in the counties of Bedford or Huntingdon, nor to prevent proceedings thereon to final execution against property, in either of said counties of Bedford, Huntingdon, or Blair, in the same manner as if this act had not been passed.

Registers' and
orphans' court es-
tablished after
4th Monday of
July.

SECTION 18. That the register of wills, and the registers and orphans' court of said county of Blair, shall from the fourth Monday of July next, have and exercise, exclusively, the same powers and jurisdiction over the legal representatives, and the estates of decedents, in all cases where such decedents resided at the time of their decease, within the territory now comprising said county of Blair, where said estates shall then be unsettled, as the said register and courts would have had and exercised, if said decedents had died after said fourth Monday of July next; but all original papers, relating to such estates, shall remain in the proper offices of Bedford and Huntingdon counties, where the same are now filed, duly certified copies of which shall be given by the proper officers, at the request and expense of the person applying for the same, and shall be acted on as if the same were original in said county of Blair.

Effect of certified
copies of record.

Roads and bridges

SECTION 19. That all unfinished proceedings, respecting roads and bridges, lying entirely within said county of Blair, shall be certified by the clerk of the court of quarter sessions, where the same may be pending to the court of quarter sessions of said county of Blair, who shall proceed therein as if the same had originated in said court; and all proceedings, respecting roads and bridges, which may lie partly in Blair county, and partly in another county, shall be proceeded in to final adjudication as if this act had not been passed.

Expenses of con-
victs.

SECTION 20. That said county of Blair shall bear all legal expenses which shall accrue on account of convicts sentenced, or to be sentenced, in the courts of Huntingdon or Bedford county, to the penitentiary, for offences committed, or which may be committed within the territory of said county of Blair, before the fourth Monday of July next; and said county of Blair shall also maintain all persons who now are, or here-

Paupers.

after may be, paupers and confined or supported in the poor house of the county of Bedford, and who were heretofore residents or paupers within the limits of said county of Blair.

SECTION 21. That it shall be the duty of the commissioners of the said county of Blair, immediately after they are elected and qualified as aforesaid, to make, procure, and provide a suitable building, to be used as a temporarily as a jail, of and for said county of Blair, until a jail or jail-prison, for said county, is and shall be erected and ready for the reception of prisoners: *Provided*, That until a jail is erected for said county of Blair as aforesaid, whenever, in the judgment or opinion of the sheriff of the county of Blair, it shall be necessary or advisable, for the safe keeping of any prisoner or person he is required and authorized to hold in close custody, it shall be lawful, and the sheriff of Blair county is hereby authorized to convey, take and deliver, such prisoner or person, into the jail of Huntingdon county, to be safely kept therein, until discharged or taken therefrom, according to law, for the doing of which the sheriff of Blair county shall be entitled to the legal mileage and fees; and the sheriff, jailor, and prison keeper, of the said county of Huntingdon, shall receive, and safely keep and provide for all such prisoners and persons so as aforesaid, delivered to them by the sheriff of Blair county, according to law; and for the doing the same shall be allowed and paid the fees and allowance fixed by law, to be paid in like manner as if such prisoner or person were confined in the jail of the said county of Blair.

Commissioners to procure a building to be used as a jail.
Provido.
Sheriff of Blair county may secure prisoner in jail of Huntingdon county.
Fees and expenses, how paid.

SECTION 22. That so much of the preceding section of this act, as authorizes the confining of prisoners in the jail of Huntingdon county, shall continue two years, from the fourth Monday of July next, unless before the expiration of said two years the commissioners of said county of Blair shall have certified to the court of said county, that a jail is erected and ready for the reception of prisoners in said county, which certificate shall be approved by the court and grand jury of said county; and from thenceforth all prisoners, who may be confined in said jail of Huntingdon county, in pursuance of the provisions of this act, shall be conveyed by the sheriff of said county of Blair, to said jail, therein to be kept until discharged by due course of law.

Commissioners shall certify when jail is ready for reception of prisoners.
Approval.

SECTION 23. That it shall be the duty of the commissioners of the counties of Bedford and Huntingdon respectively, before the third Tuesday of October next, to make out and deliver to the commissioners of said county of Blair, at the expense of said county of Blair, a correct copy of all the assessments made by the assessors of said counties of Bedford and Huntingdon, within the limits of said county of Blair, for the year eighteen hundred and forty-six; and on the receipt of such copy, or as soon after as convenient, the sheriff and county commissioners of said county of Blair, shall select from the taxables contained in said assessments, the names of a sufficient number of competent persons, to serve as jurors for said county of Blair for the ensuing year, and deposite the same in a proper wheel to be procured for said commissioners for that purpose; the proceedings of said sheriff and commissioners to be done in accordance with the laws of this commonwealth in such cases made and provided: *Provided*, That said sheriff and commissioners may, if they deem it expedient, draw from said names deposited as aforesaid, the usual number of grand and traverse jurors, to serve at the court authorized to be held on the fourth Monday of October next; and said jurors being summoned, shall be bound to

Assessments.
Jurors.
Provido.

attend said court, notwithstanding the notice is not such as is required by law in other cases.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 56.

A FURTHER SUPPLEMENT

To an act to incorporate the Little Schuylkill and Susquehanna railroad company.

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 Little Schuylkill and Susquehanna railroad company are hereby authorized to increase their capital by an issue of stock to an amount sufficient to build, construct and finish their road, and the works connected therewith; and also to furnish the same with locomotive engines, cars, and such other fixtures and machinery as shall be necessary for the transaction of such business as may be done on the same: *Provided,* The said increase shall not exceed the sum of two millions of dollars.

Increase of capital.

Proviso.

Construct branch or branches.

Proviso.

SECTION 2. That it shall and may be lawful for the said Little Schuylkill and Susquehanna railroad company, to construct a branch or branches of said road, with one or more tracks, from any point on said road to reach, adjoin or connect, with any bed or beds of minerals, or the products of the earth or forests, neither branch to exceed five miles in length; and for that purpose to exercise and use any of the powers or privileges heretofore conferred by law on said company: *Provided,* That any person or persons owning, occupying or enjoying such bed or beds, or other products intended to be transported on the said railroad, shall have the privilege of transporting the same on the said railroad in their own cars, and with their own motive power, the same being adapted thereto, subject to the rules and regulations of the said company.

Time for completion extended.

SECTION 3. That the said Little Schuylkill and Susquehanna railroad company shall have five years, from the date of the passage of this act, for the completion of their road.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, one thousand eight hundred and forty-six.

FRS. R. SHUNK.