

No. 365.

AN ACT

Erecting parts of Lycoming county into a new county, to be called Sullivan.

- 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 county of Lycoming, situate and lying within the following boundaries, to wit: beginning at the thirtieth mile in the line between Bradford and Lycoming counties; thence a southerly course to the Loyalsock creek, near the farm formerly occupied by John Snell, in Plunket's Creek township; thence a south-eastern course to a line of the Asylum company's survey of land near the Beaver dam, in Davidson township; thence along said survey south about seventy-five degrees east to Columbia county line, near the waters of Little Fishing creek; thence by the old Luzerne county line, (now Luzerne and Wyoming) a northerly course to the corner of the Bradford and Lycoming county line; and from thence to the place of beginning, shall be and the same is accordingly to the foregoing boundaries declared to be erected into a separate county, to be called Sullivan.
- SECTION 2.** That the inhabitants of the said county of Sullivan, from To be established after first Monday of January, 1848. and after the first Monday of January next, shall be entitled to, and at all times thereafter have all and singular courts, jurisdictions, offices, rights and privileges, to which the inhabitants of other counties in this state are entitled by the constitution and laws of this commonwealth.
- SECTION 3.** That the several courts in and for the said county of Sullivan, shall be opened and held in such house as may be designated by the commissioners of said county, to be elected at the next annual election, until a court house shall be erected in and for the said county, as is hereafter directed, and shall thereafter be held at said court house.
- SECTION 4.** That no suit or prosecution which has been heretofore commenced, or which shall be commenced in the county of Lycoming, before the first of December 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 county, 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.
- SECTION 5.** That all taxes or arrears of taxes laid, or which have become due within the said county of Sullivan, before the passing of this act, and sums of money due to this commonwealth for militia fines in the said county of Sullivan, shall be collected and recovered, as if this act had not been passed: *Provided always,* That the money arising from county taxes assessed, or be assessed within the limits of the county of Sullivan, subsequently to the first day of November next, shall, from time to time, as the same may be collected, be paid into the treasury of the county of Lycoming for the use of the county of Sullivan, until a treasurer shall have been elected or appointed in the county of Sullivan; and the treasurer of the county of Lycoming shall keep an account thereof, and pay the same to the treasurer of the county of Sullivan, as soon as he shall be legally elected or appointed; and whatever parts of said taxes may remain uncollected in the county of Sul-
- Boundaries.**
- Courts.**
- Suits.**
- Taxes.**
- Proviso.**

livan, at the time of the election or appointment of the treasurer thereof, shall be collected in the usual manner, and paid into the treasury of the county of Sullivan.

SECTION 6. The citizens of the county of Sullivan, 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, eighteen hundred and forty-seven, 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 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 of this commonwealth; and on the election of said commissioners the power of the commissioners of Lycoming county shall cease and determine in the said county of Sullivan; and the said citizens qualified as aforesaid, shall, at their respective election districts, on the second Tuesday of October, eighteen hundred and forty-seven, elect three reputable citizens to be auditors for adjusting and settling the accounts of the preceding year; and the citizens voting for said auditors shall designate on their tickets what candidate shall 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 of this commonwealth; and the citizens qualified to elect as aforesaid, shall, on the second Tuesday of October, eighteen hundred and forty-seven, at their respective election districts, elect one reputable citizen to be sheriff of said county of Sullivan, 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 the quarter sessions, one reputable citizen to be register of wills and recorder of deeds and clerk of the orphans' court, and one reputable citizen to be treasurer of the county of Sullivan; 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 the like fees and emoluments, that officers of the same kind are entitled to by law in other counties of this commonwealth, and their places shall be supplied agreeably to the laws of this commonwealth in other counties; and the said commissioners and auditors of Sullivan county, so elected, shall hold their respective offices, and transact the public business, as commissioners and auditors of the said county of Sullivan, at the place fixed and located for the seat of justice by the commissioners hereinafter appointed by this act for that purpose.

Election of county commissioners.

Auditors.

Sheriff, prothonotary, clerk of courts, register and recorder.

SECTION 7. 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 or elected in the said county of Sullivan, 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 Lycoming; and the persons who shall be appointed associate judges of the county of Sullivan, shall take and subscribe the requisite oaths and 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

Officers to give security.

To take and subscribe oath.

of the county of Sullivan, who may be appointed at any time after the passage of this act.

Sheriff, &c. of Lycoming to act until an election takes place. SECTION 8. The sheriffs, coroners, and other officers of the county of Lycoming, shall continue to exercise the duties of their respective offices within the county of Sullivan, until similar officers shall have been appointed, agreeably to law, within said county of Sullivan.

Congressional district.

SECTION 9. The said county of Sullivan shall be attached to and connected with the thirteenth congressional district, and the qualified inhabitants within the county of Sullivan, together with the counties of Northumberland, Union, Lycoming and Clinton, shall continue to elect a member of congress; the said county of Sullivan shall be attached to and connected with the twelfth senatorial district, and the qualified citizens, together with the counties of Centre, Clinton and Lycoming, shall continue to elect a senator to the state legislature; and the county of Sullivan, together with the counties of Lycoming, Clinton and Potter, shall jointly elect two members of the house of representatives of this commonwealth.

Senatorial district.

Members of the house of representatives.

Commissioners to run and mark boundary lines.

SECTION 10. That John Laird, William A. Mason and David H. Goodwin, be and are hereby appointed commissioners, whose duty it shall be to run, correctly ascertain, or mark and cause to be run, correctly ascertained and marked, the boundary lines of said county of Sullivan; and that the said commissioners, or a majority of them having run, ascertained and marked the boundary lines aforesaid, or cause the same to be done, shall on or before the first day of July next, by a written report under their hands and seals, or a majority of them, certify, describe and limit, and make out a correct plot or draft of the said county of Sullivan, 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 and marking, or causing to be run and marked 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.

Commissioners to fix upon a site for seat of justice.

Court house, prison and county offices.

SECTION 11. That Reuben Wilbur, Thomas H. Wilson and Thomas W. Lloyd, be and are hereby appointed commissioners, whose duty it shall be to fix upon a proper and convenient site, or location, for the seat of justice of the county of Sullivan, and for a court house, prison and county offices within and for said county of Sullivan; and the said commissioners, or a majority of them, having fixed a site or location which they shall have chosen for the purposes aforesaid, shall on or before the first day of September 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 same, and shall transmit the same to the secretary of the commonwealth; and shall also make out and deliver a like report to the commissioners of the county of Sullivan, when the same shall have been elected; and the said commissioners shall receive the sum of two dollars per day, out of the moneys to be received pursuant to this act: *Provided*, That the said commissioners, before proceeding to the discharge of their duties, shall be first sworn or affirmed to discharge their duties with fidelity and impartiality.

Proviso.

Commissioners to take and hold real estate.

SECTION 12. That it shall be lawful for the commissioners of the county of Sullivan, who shall be elected in accordance with this act, to take assurance to them and their successors in office, of such lot or lots or piece of ground as shall have been approved by the persons appointed as aforesaid, or a majority of them, for the purpose of erecting thereon

a court house and jail, and offices for the safe keeping of the records ; and the county commissioners are hereby authorized to assess, levy and collect in the manner directed by the act for raising county rates and levies, a sufficient sum of money to defray the county expenses.

SECTION 13. The judges of the supreme court shall have like powers, jurisdictions and authorities within the said county of Sullivan, 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 northern district of the supreme court. Jurisdiction of supreme court.

SECTION 14. The county of Sullivan shall be annexed to, and compose part of the eighth judicial district of this commonwealth, and the courts shall be held and commence as follows, to wit: on the first Monday of December: *Provided also*, That the first court shall be held in the county of Sullivan, on the first Monday of June, eighteen hundred and forty-eight. To be annexed to eighth judicial district.

SECTION 15. All suits, and all appeals and certioraries from and to judgments of justices of the peace, that shall and may be pending and undetermined in the courts of common pleas of Lycoming county, on the first day of December next after the passage of this act, when and where the defendant or defendants in such suit or suits, or any of them, shall, at that time, be resident in the said county of Sullivan, shall be transferred to the court of common pleas of the said county of Sullivan, and shall be considered as pending in the last said court ; and shall therein be proceeded in and 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 Lycoming county, shall be paid to them when recovered, and paid by the sheriff or prothonotary of Sullivan county, or the prothonotary of Lycoming county, shall, on or before the first day of October next, purchase the necessary 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 December 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 the said county of Sullivan, the expense of the said docket or dockets, and copying to be done, as aforesaid, to be paid by the said county of Sullivan, on warrants to be drawn by the commissioners of Sullivan county on the treasurer thereof ; and all criminal prosecutions which may originate in the said county of Sullivan, before test day hereinafter mentioned, shall be proceeded in as heretofore in the courts of quarter sessions and oyer and terminer of Lycoming county, as if this act had not been passed ; and all process to issue from the courts of said Sullivan county, shall bear test on the first Monday of June or December. Suits, &c. in Lycoming to be transferred to new county of Sullivan.

SECTION 16. It shall be the duty of the commissioners of the said county of Sullivan, immediately after they are elected and qualified, as aforesaid, to make, procure and provide a suitable building, to be used temporarily as a jail of and for said county of Sullivan, until a jail or prison of 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 Sullivan, as aforesaid whenever in the judgment or opinion of the sheriff of the county of Sullivan, 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 Sullivan county is hereby authorized to convey and take and deliver such prisoner or person unto and in the jail of Lycoming county, to be safely kept therein until discharged or taken therefrom, according to law, for the doing of which the sheriff of Sullivan county shall be entitled to To provide a temporary jail. Sheriff may convey prisoners to Lycoming jail.

the legal and customary mileage and fees; and the sheriff, jailors and prison keepers of the said county of Lycoming, shall receive and safely keep and provide all such prisoners and persons so as aforesaid delivered to them by the said sheriff of Sullivan 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 said county of Sullivan.

Governor to appoint associate judges.

SECTION 17. It shall be the duty of the governor, on or before the first day of January next, to nominate and appoint two reputable citizens in the said county of Sullivan, as associate judges in and for said county.

Justices of the peace.

SECTION 18. That the justices of the peace now in commission in those parts of Lycoming county, embraced within the limits of the county of Sullivan, shall continue to exercise the duties of their respective offices for and during the period for which they were elected and commissioned, in same manner as if the county of Sullivan had not been erected; and any deficiency in the proper number of justices of the peace in any township in said county of Sullivan, shall be supplied as now directed by law for vacancies caused by death or resignation, or otherwise; and all acts done by the justices aforesaid, in their official capacity, shall be taken and deemed valid in law in the same manner as if the county of Sullivan had been erected previous to their election.

Constables.

SECTION 19. All constables elected for the year eighteen hundred and forty-seven, in the several townships embraced within the limits of the said county of Sullivan, shall hold their respective offices as is provided by law, and as if the county of Sullivan had been fully organized before their elections; said constables shall hold their offices until the next session of the court of quarter sessions in said county of Sullivan; after an election shall take place to supply their places in eighteen hundred and forty-eight, at which time they shall make their returns to said session, and the persons elected to supply their place for the year eighteen hundred and forty-eight, shall be sworn according to law.

Duty of commissioners of Lycoming county.

SECTION 20. It shall be the duty of the commissioners of the county of Lycoming, on or before the first day November next, to make and deliver to the county commissioners of the county of Sullivan, a copy of all the assessments made by the assessors of said county of Lycoming, within the limits of the county of Sullivan, for the year eighteen hundred and forty-seven; and on the receipt of such copy, or as soon as conveniently may be afterwards, it shall be the duty of the sheriff and the county commissioners of the said county of Sullivan, to select from the taxables contained in said assessments, the names of a sufficient number of competent persons to serve as jurors for the said county of Sullivan, for the year eighteen hundred and forty-eight, and deposit the same in a proper wheel, to be procured by the said commissioners for that purpose; the proceedings of the said sheriff and commissioners herein, and the drawing, summoning and returning of jurors in said county, to be in accordance with the laws of this commonwealth in such cases made and provided.

Election laws.

SECTION 21. That the several acts of assembly regulating township elections, and electing township officers in the county of Lycoming, shall be in force in the several townships in said county of Sullivan.

Treasurer of Lycoming to pay certain moneys to treasurer of Sullivan county.

SECTION 22. That any moneys now due from, or that may hereafter be paid into the treasury of Lycoming county, for the several townships embraced in Sullivan county, for road or school purposes, shall be paid

by the said treasurer of Lycoming county, to the treasurer Sullivan of county for the use of the said township.

JAMES COOPER,
Speaker of the House of Representatives.

WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 366.

SUPPLEMENT

To an act passed the twenty-first day of April, one thousand eight hundred and forty-six, entitled "An Act for the erection of a poor house in the county of Mifflin," and for other purposes.

WHEREAS, This act has not been carried into effect agreeable to the provisions, and is thereby inoperative; therefore,

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* so much of said act as relates to Armagh, Brown, Union and Meno townships, be and is hereby repealed; the act to which this is a supplement be and is hereby revived, and remain in full force in the remaining townships and boroughs in said county. Part of act revived.

SECTION 2. That the electors of the remaining townships and boroughs shall decide, by ballot, on the third Saturday of May, the propriety of carrying the act to which this is a supplement into effect, the tickets to be written or printed, for or against a poor house; if a majority voting should be in favor of a poor house, then shall proceed to carry the law into effect, as directed by the law to which this is a supplement. Electors of remaining township to decide by ballot on the acceptance of law.

SECTION 3. That the said Armagh, Brown, Union and Meno townships, be erected into a district to support the poor in said townships; for the support of that the qualified electors of the said townships shall, at a special election to be held at the place of holding general and township elections in the respective townships, the third Saturday of May, one thousand eight hundred and forty seven, decide by ballot, whether they will erect a poor house for the said district; the election to be held by the officers who held the last constable elections. Separate district for the support of the poor erected. To decide by ballot on the erection of a poor house.

SECTION 4. That if a majority of those voting shall be in favor of a poor house, then the said directors of the poor, hereinafter described, shall forever be a body politic and corporate, in law, whatsoever, relative to the poor of said district; and shall have perpetual succession, corporate body, and may sue and be sued, plead and be impleaded, by the name, style and title of the directors of the poor and house of employment of the valley; and by that name, shall and may receive, take and hold, any lands, tenements, hereditaments, not exceeding the yearly value of two When the directors of the poor shall become a corporate body. Privileges.