

No. 228.

A SUPPLEMENT

To an act, entitled "An Act erecting parts of Beaver and Mercer counties into a separate county, to be called Lawrence," approved the twentieth day of March, Anno Domini, one thousand eight hundred and forty-nine.

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 collectors appointed by the commissioners of Mercer county, for the different townships of Mercer county, which are now embraced within the limits of Lawrence county, shall collect, pay to, and settle the amount of their duplicates with the treasurer of Lawrence county; and the collectors appointed by the commissioners of Beaver county, for the townships of Beaver county, embraced within the limits of Lawrence county, shall collect, pay to, and settle the amount of their duplicates with the treasurer of Lawrence county; and the commissioners of Lawrence county, shall have the same powers and remedies to compel such collections and settlements, as the commissioners of Beaver and Mercer counties would have had if the act to which this is a supplement had not been enacted; and any judgment or proceeding which may have been commenced or entered in the courts of either of the said counties of Beaver and Mercer, in favor of either of the said counties, and against any of the said collectors, may be transferred to the courts of the county of Lawrence, and proceedings may be had thereon in all respects as if the same had originally been entered or commenced in the county of Lawrence; and it shall be the duty of the prothonotary of Lawrence county, on the production to him of a copy of any such proceeding or judgment, certified to by the prothonotary of either of the said counties of Beaver or Mercer, to enter the same upon the docket of the court of common pleas of the county of Lawrence, and the said record being so entered, shall have the same legal force and virtue, and process, execution or any other proceeding may be had thereon in all respects, as if the same had been originally commenced and entered in the courts of Lawrence county.

SECTION 2. That it shall be the duty of the commissioners of Lawrence county, as soon as the amount shall have been ascertained in the manner hereinafter prescribed, to cause to be paid to the treasurer of Mercer county, such sum or amount of county taxes for the year one thousand eight hundred and forty-nine, collected and paid into the treasury of Lawrence county, in pursuance of the first section of this act, and the act to which this is a supplement, as shall be a fair and just proportion, according to the taxable population, of the current expenses (except improvement expenses,) of the county of Mercer, from the commencement of the fiscal year to the first day of September, one thousand eight hundred and forty-nine, first deducting therefrom the amount of county tax which may have been paid into the treasury of Mercer county, in pursuance of the fifth section of the act to which this is a supplement, and which may not have been paid therefrom for and on account of Lawrence county, together with all arrears of taxes of whatever kind, state tax of one thousand eight hundred and forty-

nine, and militia fines collected and paid into the treasury of Lawrence county, in pursuance of the first section of this act, less the whole amount of exonerations and legal fees, which exonerations the commissioners of Lawrence county are hereby authorized to make; and they are hereby required, as soon as conveniently may be, to furnish the commissioners of Mercer county with a statement of the fees, a list of the names of the persons exonerated, amount of and reason for such exonerations as aforesaid; it shall also be the duty of the commissioners of Lawrence county, to pay to and settle with the treasurer and commissioners of Beaver county, the expenses as aforesaid of Beaver, at the time, in the manner, and subject to all and singular the directions in this section as to Mercer county, except that the improvement expenses in Beaver county shall not be excluded in said settlement.

Joseph T. Marks,
Joseph Brown
and John M.
Sullivan, ap-
pointed commis-
sioners.

Duties. ¶

SECTION 3. That Joseph T. Marks, of Allegheny county, Joseph Brown and John M. Sullivan, of Butler county, are hereby appointed commissioners, who, upon being notified by any officer of either of said counties interested, shall do and perform the duties enjoined upon them by this act, who shall before entering upon said duties, take and subscribe an oath or affirmation, severally, before a justice of the peace, to discharge said duties with impartiality and fidelity; that is to say, they shall on or before the first day of November next, adjust and settle the fair and equitable proportion of the current expenses of the counties of Beaver and Mercer respectively, as stated in the second section of this act, which shall be borne and paid by the county of Lawrence, a copy whereof shall be filed with the commissioners of each of said counties interested, on or before the fifteenth day of November next; and for the purpose of enabling them to perform said duties they shall by themselves, or either of them, or by their attorney, have free access to the books of accounts and papers on file in the commissioners' office in each of said counties, and all reasonable charges and expenses necessarily attending said examination and settlement, shall be paid proportionably by said counties interested: *Provided*, That said commissioners shall have power to fill any vacancy which may happen in said commission, by and with the consent of the commissioners of said counties as aforesaid: *And provided further*, That the commissioners first named in this section, shall not be required to perform the duties mentioned therein, unless the commissioners of said counties interested, shall neglect or fail to settle and adjust to the satisfaction of the commissioners of said counties interested respectively, the expenses as aforesaid, for the space of ninety days after they shall have been notified respectively of the passage of this act, and the provisions of this section.

Election of county
officers in
Lawrence county

SECTION 4. The qualified electors of the county of Lawrence shall, at the times and places for the election of representatives, as often as it shall become necessary, elect one person to fill the offices of prothonotary of the court of common pleas, clerk of the court of quarter sessions of the peace, clerk of the court of oyer and terminer, and clerk of the orphans' court, and one person to fill the offices of register of wills and recorder of deeds: *Provided*, That the persons heretofore elected to and now holding said offices, shall continue to hold the same as if this act had existed at the time of their election.

Lawrence county
attached to the
Western peni-
tentiary district.

Proceedings of
the different
courts of Beaver
and Mercer

SECTION 5. The county of Lawrence is hereby attached to and declared to be part of the Western Penitentiary district.

SECTION 6. That all cases and proceedings in the orphans' court and courts of quarter sessions of the peace of the counties of Beaver and Mercer respectively, transferred to the same courts of the county of Lawrence, under the provisions of the fourth section of the act to which this is a supplement, or any other act, shall be deemed to be pending

in said courts of Lawrence county respectively, and shall be proceeded in like manner and with like effect as if originally instituted therein : *Provided*, That in the matter of unsettled accounts of executors, administrators and guardians, and all unfinished proceedings on the estates of decedents, heretofore omitted to be transferred, where the decedent at the time of his decease, was a resident of what now is Lawrence county, shall, upon the application of any person interested, to the clerks of the orphans' court of Beaver and Mercer counties respectively, be certified by said clerks, together with all the papers thereto appertaining, to the orphans' court of Lawrence county, and shall thenceforth be deemed pending, and be proceeded in therein : *Provided further*, That cases and proceedings in the court of quarter sessions of the peace for Beaver and Mercer counties respectively, remaining unfinished and not transferred when the subject matter of such proceeding lies within the county of Lawrence, shall, upon application of any person interested, be likewise certified into the quarter sessions of Lawrence county, to be proceeded in ; and the reasonable costs of exemplifications from the orphans' court, and also from the court of quarter sessions, where the matter shall be of public concern, shall be paid by the commissioners of Lawrence county.

SECTION 7. The commissioners of Lawrence county are hereby authorized and directed to pay to Thomas Falls, William Moore and William Cairns, of said county, the sum of two hundred and fifty-three dollars for money expended by said Moore, Falls and Cairns, for the use of said county, by warrants on the treasurer thereof in the usual way. Commissioners of Lawrence county required to pay certain moneys.

SECTION 8. The provisions of an act, entitled "An Act relating to the lien of mechanics and others upon buildings," approved the sixteenth day of June, one thousand eight hundred and thirty-six, and the supplements thereto, are hereby extended to Lawrence county : *Provided*, county. Provisions of certain act extended to Lawrence county.

The mechanics' liens or claims already filed in the office of the prothonotary of said county, in conformity with said act and supplements, within six months from the time of the work done or materials furnished, shall be as good and valid as if this act had existed at the time of filing said liens or claims.

SECTION 9. The provisions of an act, entitled "An Act directing the manner of serving writs of summons in certain cases in the county of Mercer," approved the tenth day of April, one thousand eight hundred and forty-nine, is hereby extended to the county of Lawrence. Further provisions extended to Lawrence county

SECTION 10. That the commissioners of the county of Lawrence shall, as soon after the passage of this act as shall be practicable, designate by numbers, and in such other manner as they shall think proper, four several sites for the location of the county buildings for said county, in or within one-fourth of a mile from the borough of New Castle, including the site already fixed by the commissioners appointed for that purpose ; they shall also procure a book in which to receive subscriptions of money, land, labor and materials to aid in defraying the expenses of erecting said buildings for each of said sites, and shall permit all and every person or persons, body politic or corporate, by themselves or their agent, to subscribe in either of said books such sum or amount of money, land, labor or materials, as he, she or they may think proper for the purpose aforesaid ; and it is hereby made the duty of said county commissioners to give to every person or persons, body politic or corporate, within said county, every facility in their power to make subscriptions as aforesaid, for the space of two months from the time of opening said books ; and at the expiration of said term they shall forthwith determine upon which of said sites as aforesaid, the said County buildings.

buildings shall be erected, and proceed to erect the same in the manner directed by law, having due regard to the healthfulness of the site, convenience and interest of the citizens of said county, as the amount of subscription to each of said sites: *Provided*, That before proceeding to erect said buildings, they shall take such security as in their judgment shall be ample to insure the payment of the whole amount subscribed to the successful site.

Judgments, relative to.

SECTION 11. That all and every judgment entered by the prothonotary of the court of common pleas of Lawrence county, upon a note or bond, with warrant of attorney to the prothonotary of Beaver and Mercer counties respectively, to enter judgment thereon, where the obligor or obligors in such note or bond, or either of them, shall reside in the county of Lawrence, shall be as good and valid in law as if the prothonotary of the court of common pleas of Lawrence county had been named in the warrant of attorney in such note or bond.

Repeal.

SECTION 12. So much of the act to which this is a supplement, or any other law as is hereby altered or supplied, or is inconsistent herewith, be and the same is hereby repealed.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 229.

AN ACT

Declaring Bear creek, in Elk county, Wykoff's run, in Clinton county, and certain streams in Cambria county, public highways; relative to fishing with seines or nets in the waters of Fishing creek, in Clinton county; to the repair of a certain road in M'Kean county, and the construction of a dam across Clarion river.

Bear creek declared a public highway.

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 Bear creek, in the county of Elk, be and the same is hereby declared to be a public highway, from its junction with the Clarion river, for one mile up said creek.

Wykoff's run.

SECTION 2. That Wykoff's run, in the county of Clinton, be and the same is hereby declared to be a public highway from its junction with the Sinnemahoning, for six miles up said run.

Repeal.

SECTION 3. That so much of the twelfth section of the act, entitled "An Act to incorporate the Alexandria Delaware bridge company," approved May eighth, one thousand eight hundred and forty-one, prohibiting the fishing with seines or nets in the waters of Fishing creek,