

No. 387.

AN ACT

For the relief of David Clark and Andrew Clark, of Columbia county, and to erect a new county out of parts of Columbia county, to be called Montour.

Canal commis-
sioners author-
ized to examine
the claim of Da-
vid and Andrew
Clark.

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 it shall be the duty of the canal commissioners to examine what amount of damages, if any, have been sustained by David Clark and Andrew Clark, of Columbia county, by the construction of the North Branch canal through the said David and Andrew Clark's property, in Montour township, of said county, and to report the sum, to which in equity and justice they shall think them entitled, to the next legislature.

Boundaries.

SECTION 2. That all that part of Columbia county included within the limits of the townships of Franklin, Mahoning, Valley, Liberty, Limestone, Derry, Anthony, and the borough of Danville, together with all that portion of the townships of Montour, Hemlock and Madison, lying westward of the following line: beginning at Leiby's saw mill, on the bank of the river Susquehanna; thence by the road leading to the Danville and Bloomsburg road, at or near Samuel Lazarus's house; thence from the Danville and Bloomsburg road to the Back Valley road at the end of the lane leading from said road to Obed Everett's house; thence by said lane to Obed Everett's house: thence northward to the school house near David Smith's, in Hemlock township; thence by the road leading from said school house to the state road at Robin's mill, to the end of the lane leading from said road to John Kinney's house; thence by a straight line to John Townsend's, near the German meeting house; thence to Henry Johnston's, near Millville; thence by a straight line to a post in the Lycoming county line, near the road leading to Crawford's saw mill, together with that part of Roaring Creek township, lying south and west of a line beginning at the south-eastern corner of Franklin township; thence eastward by the southern boundary line of Catawissa township to a point directly north of John Yeager's house; thence southward by a direct line, including John Yeager's house, to the Schuylkill county line, at the north-east corner of Barry township: *Provided however,* That at no time hereafter shall any portion of the territory now embraced within the limits of the county of Northumberland be annexed or attached to the said county of Montour, without the unanimous consent of the qualified voters of said county of Northumberland, be and the same is hereby erected into a separate county, to be called Montour, and the seat of justice for the same is fixed in the borough of Danville.

Name.

Costs for erecting
the court house
and jail, by
whom to be
borne.

SECTION 3. That the borough of Danville shall furnish, at their own proper cost, and without charge upon the citizens of the said townships, for the use of the said county of Montour, the court house and jail, together with the lots of ground on which they are situated, and all the appurtenances thereto belonging in the said borough, and which formerly were the property of the county of Columbia; and all repairs necessary to keep the said buildings in suitable repair for and during all that period of time which the same shall be used for the purposes afore-

said, shall be made by and at the charge, expense and cost of the borough of Danville.

SECTION 4. The citizens of the county of Montour, who are qualified to elect members of the legislature agreeably to the constitution and laws of this commonwealth, shall, at the general election in October next, 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 the authority and privileges with respect to their county, and shall receive the same 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 the said commissioners, the power of the commissioners of Columbia shall cease and determine in the said county of Montour; and the citizens qualified as aforesaid shall at the same time elect three reputable citizens to be auditors for adjusting and settling the accounts agreeably to the law in such cases, and the voters shall designate the term for which each shall hold his office as aforesaid; and the said citizens shall at the same time and places elect one reputable citizen to be sheriff of the said county of Montour, one to be coroner, one to be prothonotary and clerk of the several courts, and one to be register and recorder, and one to be treasurer of the said county, for the term designated by law for such officers in other counties; and when said officers so elected shall be qualified to enter upon the duties of their offices, they shall be severally entitled to like fees and emoluments that other offices of the same kind are entitled to by law in other counties in this commonwealth, and their places shall be supplied as in other counties; and it shall be the duty of the governor to nominate and appoint two reputable citizens in the said county of Montour, as associate judges in and for the said county in the month of October next.

SECTION 5. All suits that shall be pending and undetermined in the court of common pleas of Columbia county, on the first day of November next, where the defendant in such suit or suits shall at the time be resident in the county of Montour, shall be transferred to the court of common pleas of Montour county, and shall be considered as pending in the 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 Columbia county, shall be paid to them when recovered by the officers of Montour county; and the prothonotary of Columbia county shall 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 tenth day of November next, have the said docket, together with the records, declarations and other papers respecting such suits, ready to be delivered to the prothonotary of Montour county; the expenses of said docket and copying to be paid by the prothonotary of Montour county, and reimbursed by the said county of Montour, by warrants to be drawn by the commissioners of Montour county on the treasurer thereof.

SECTION 6. All taxes shall be assessed and collected as heretofore done, until the first day of November next, after which time the county of Montour shall be considered organized: *Provided*, That the county tax collected after the passage of this act within the county of Montour, shall be expended in the county, or the surplus, if any shall remain at the time of the organization of the said county of Montour, shall be paid by the county of Columbia to the county of Montour.

- Officers to give bond.** **SECTION 7.** 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 Montour, before they or any of them shall enter on the execution thereof, shall give sufficient security in the same manner, form and amount, for the same uses, trusts and purposes as such officers for the time being are obliged by law to give in the county of Columbia.
- Sheriff, coroner and other officers of Columbia county, to exercise the duties of their respective offices until, &c.** **SECTION 8.** The sheriff, coroner and other officers of the county of Columbia, shall continue to exercise the duties of their respective offices within the county of Montour as heretofore, until similar officers shall be elected and qualified to act within said county; and the persons who shall be appointed associate judges for the county of Montour, shall take and subscribe the requisite oaths or affirmations of office, before the prothonotary of the court of common pleas of the county of Columbia, who shall file a record of the same in the office of the prothonotary of the court of common pleas of the county of Montour.
- Counties of Columbia and Montour to continue to elect members, &c., until, &c.** **SECTION 9.** The citizens of the counties of Columbia and Montour shall, until the next apportionment by the legislature, elect members of the house of representatives, of the senate and of congress, as if this act had not been passed.
- Commissioners of the county of Montour to take deeds of conveyance.** **SECTION 10.** The commissioners of the county of Montour, who shall be elected at the general election in October next, shall take a deed or deeds of conveyance to them and their successors in office, for the court house, jail and lots of ground on which they stand, with the appurtenances, situate in the borough of Danville, and which were formerly the property of the county of Columbia, which shall be granted and conveyed to them in fee simple by the borough of Danville previous to the organization of the county of Montour; and the courts in and for the said county shall be held in the said court house, and the prisoners kept in the said jail.
- Jurisdiction of the supreme court.** **SECTION 11.** The judges of the supreme court shall have like powers, jurisdictions and authorities within the said county of Montour, as by law they are vested with and entitled to have and exercise in other counties of this state; and the said county of Montour is hereby annexed to the northern district of the supreme court.
- Montour county annexed to the 8th judicial district.** **SECTION 12.** The county of Montour shall be annexed to and compose a part of the eighth judicial district of this commonwealth; and the courts of the said county of Montour shall be held on the second Monday after the commencement of the courts in Lycoming county, and to continue one or more weeks if necessary; and the first court shall be held in the said county of Montour in December next.
- Manner of conducting legal proceedings.** **SECTION 13.** All writs and legal proceedings shall be issued and conducted in the same manner as though this act had not been passed, until the first day of November next, at which time all records and legal proceedings properly belonging to the county of Montour, shall be transmitted to the proper offices in the said county, and proceeded upon by the proper authorities of the county of Montour; and thereafter all writs shall be returnable to the proper authorities in the said county of Montour; and the writs returnable to the first term of the courts in the said county, shall bear test as of the date when they issue, and shall be executed and returned as is provided by the laws of this commonwealth.
- Madison township erected.** **SECTION 14.** That all that part of Madison township aforesaid, lying and being within the limits of Montour county, be and the same is hereby erected into a separate township, to be called Madison.
- West Hemlock erected.** **SECTION 15.** That part of Hemlock township aforesaid, lying and being within the limits of Montour county, be and the same is hereby erected into a separate township, to be called West Hemlock.

SECTION 16. That part of Montour township aforesaid, lying and Cooper town- being within the limits of Montour county, be and the same is hereby ship erected. erected into a separate township, to be called Cooper.

SECTION 17. That part of Roaring Creek township aforesaid, included Roaring Creek within the limits of Montour county, be and the same is hereby erected township erected. into a separate township, to be called Roaring Creek.

SECTION 18. Each of the before named townships within the county of Montour, shall form separate election districts; and the general and Separate election township elections in and for said townships shall be held on the same districts. days fixed by law for holding said elections in other townships within said county, and at the following places, viz :

For the township of Madison, at the house of John Welliver, in Jerseytown, in said township.

For the township of West Hemlock, at the house of Burtis Arn- Place of holding wine, in said township. elections.

For the township of Cooper, at the house formerly kept by Jacob Rishel, now owned by Thomas Ritter, in said township.

For the township of Roaring Creek, at the house of David Yeager, in said township.

SECTION 19. The qualified voters in each of said townships, who shall be present at the place of holding elections at the hour fixed by Election of offi- law for opening the general election to be held on the second Tuesday cers. in October next, shall choose, by a majority of the voters present, from their number, one person to serve as judge of elections, and two persons to serve as inspectors of elections, who, after being sworn or affirmed according to law, shall appoint clerks for said elections; and the officers so elected and appointed shall hold said elections in the manner provided by law, and shall perform the duties by law required of said officers in other townships in said county, and be subject to the same penalties for violation of their duties.

SECTION 20. The said judges and inspectors shall act as judge and inspectors of the township election to be held in said townships on the Election of town- third Friday of March next; at which time, and annually thereafter, ship officers. the qualified voters of the said townships respectively shall elect, in the manner now provided by law for each of said townships, the several township officers now required by law to be elected in other townships in said county, who shall perform the same duties, and be subject to the same restrictions and penalties, as provided by law in other cases: *Provided*, That at the first township election to be held in each of said townships on the third Friday of March next, six school directors shall be elected for each of said townships, two to serve for one year, two to serve for two years, and two to serve for three years: *And provided further*, That only so many justices of the peace shall be elected in each of said townships as shall be required to fill the vacancies which may then exist in said townships.

SECTION 21. The several justices of the peace and constables heretofore elected in the townships of Madison, Hemlock, Montour and Roaring Creek, who reside within the limits of Montour county, and whose term of office for which such persons were respectively elected has not expired, shall continue to hold said office, and discharge and perform all the duties appertaining to the same within the respective townships erected by this act, in which said officers reside, until the expiration of the term of office for which such officers shall have been elected, in like manner as if they had been elected after the organization of the county of Montour: *Provided*, That in all process issued by said justices after the first day of November next, the name of Montour county shall be substituted for the name of Columbia county.

Justices of the peace in said townships, who reside within the limits of Montour county, to hold their offices, &c.

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Overseers of the poor, supervisors and school directors to continue in their offices, &c. SECTION 22. The several overseers of the poor, supervisors and school directors now in office within the townships of Madison, Hemlock, Cooper and Roaring Creek, shall continue to exercise and perform all the respective duties of their said offices within and throughout the limits of the whole township for which they were respectively elected, until the next annual township elections, in like manner, and with like force and effect, as if no division of Columbia county, or of the said township, had taken place.

Commissioners to run the division line between the counties of Columbia and Montour. SECTION 23. That Abraham Stroub, of the borough of Milton, in Northumberland county, David Rockafellow, of Sunbury, Northumberland county, and Isaiah B. Davis, of the borough of Milton, in said county of Northumberland, be and they are hereby appointed commissioners to run the division line between the counties of Columbia and Montour; and the said commissioners above named, or any two of them, are hereby authorized to meet at the house of David Yeager, in Roaring Creek township, in Montour county, on the third Tuesday of May next, and after having appointed two chain-carriers and one axeman, to proceed to run said division line between the counties aforesaid, commencing at the end of said division line, at the Schuylkill county line, and shall mark said line upon the ground; and shall also make a plot or draft of the said line so run by them, a copy of which, signed by the said commissioners, or a majority of them, shall be filed in the office of the prothonotary in each county.

Compensation of said commissioners. SECTION 24. The said commissioners shall each receive as a compensation for their services, which they are required by this act to perform, the sum of four dollars per day for each and every day employed in completing said service; and the chain carriers and axeman shall each receive the sum of two dollars per day for every day employed by them; which expenses shall be paid, one-half by the commissioners of Columbia county, and one-half by the commissioners of Montour county.

Burgess and town council of the borough of Danville authorized to convey certain real estate. SECTION 25. The chief burgess and town council of the borough of Danville are hereby empowered and authorized to grant and convey, by deed, to the commissioners of Montour county, for the use of the county of Montour, all those several lots of land situate in the borough of Danville, on which the old court house and jail are erected, including all those several lots, public buildings and appurtenances formerly belonging to the county of Columbia.

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

V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.