

Pittsburg academy, for the sum of five thousand dollars, for the purpose of enabling the said trustees to complete the buildings for the said institution; which warrant the said treasurer is hereby authorized to pay out of the funds appropriated for the support of government.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That there shall be admitted into the said academy any number of poor students, who may at any time be offered, in order to be taught gratis, provided the number so admitted and taught shall at no time be greater than ten, and that none of the said students shall continue in the said academy longer than two years, if others should apply for admittance.

Passed March 16, 1798. Recorded L. B. No. 6, p. 315, etc.

CHAPTER MCMLXXXVI.

AN ACT FOR ERECTING PART OF THE COUNTY OF NORTHAMPTON INTO A SEPARATE COUNTY.

Whereas the inhabitants of the northern part of Northampton county have, by their petitions, set forth to the general assembly of this state the great hardships they labor under, from being so remote from the present seat of justice and the public offices.

[Section I.] (Section I, P. L.) Be it therefore 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 part of Northampton county, lying and being to the northward of a line to be drawn and beginning at the west end of George Michael's farm, on the river Delaware, in Middle Smithfield township, and, from thence a straight line to the mouth of Trout creek, in the Lehigh, adjoining Luzerne county, shall be, and the same is hereby declared to be erected into a county, henceforth to be called Wayne.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Wayne be entitled to, and shall, at all times hereafter, have all and singular the courts, jurisdictions, officers, rights and privileges, to which the inhabitants of other counties of this state are entitled by the constitution and laws of this commonwealth.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That, from and after the first day of September next, the courts of common pleas and general quarter sessions in and for the said county of Wayne, shall be opened and held at the house now occupied by George Buchanan, at Milford, in the said county of Wayne, until a court house shall be erected in and for the said county, as hereinafter directed, and shall then be held at said court house.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That no suit or prosecution which has been heretofore commenced, or which shall be commenced in the courts of the county of Northampton before the first day of September next, shall be delayed, discontinued or affected by this act, but the same shall be issued and done of all such judgments by the sheriff and coroner of Northampton county, as if this act had not been made.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That all taxes, and arrears of taxes, laid, or which have become due, within the county of Wayne, before the passing of this act, and all sums of money due to this commonwealth for militia fines in the said county of Wayne, shall be collected and recovered, as if this act has not been made.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the sheriff, treasurer and prothonotary, and all such officers as have heretofore usually given county of Wayne, before they, or any of them, shall enter on the execution thereof, shall give sufficient security, in the same offices, who shall hereafter be appointed or elected in the said surety for the faithful discharge of the duties of their respective

manner and form, and for the same uses, trusts and purposes, as such officers for the time being are obliged by law to do in the county of Northampton.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the sheriff, coroner and other officers of the county of Northampton, other than the justices of the peace, shall continue to exercise the duties of their respective offices within the county of Wayne, until similar officers shall be appointed, agreeably to law, within the said county.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the inhabitants of the county of Northampton, and of the county of Wayne, shall jointly elect four representatives, and one senator, to serve in the legislature of this commonwealth, in the same mode, under the same regulations, and make return in the same manner, as is or shall be directed by the laws of this commonwealth for conducting and making returns of the elections of the county of Northampton, anything in this act to the contrary notwithstanding.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the governor be, and be is hereby, authorized and required to appoint three commissioners who, or a majority of them, shall meet at the house of George Michael, in Middle Smithfield township aforesaid, on the first Monday in September next, and proceed to run the boundary line between the county of Northampton and the county of Wayne; for which service the said commissioners shall have and receive three dollars per diem, and a responsible allowance for their expenses, for every day they shall be employed in the said service, to be paid by warrants drawn by the county commissioners on the treasurer of Northampton county.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That Daniel Strowd, Abraham Horn, John Molhallon, Samuel C. Seely and Samuel Stanton, of the counties of Northampton and Wayne, be and they are hereby appointed trustees for the county aforesaid, with full authority for them, or a majority of them, to fix on the most eligible

spot for the seat of justice in and for the said county, and to purchase or take and receive, by grant, bargain or otherwise, any quantity or quantities of land within the said county, and to survey and lay out the same in town and outlots, and they, or a majority of them, are hereby authorized to sell, at public auction, after due notice given in the public newspaper of the borough of Easton, and convey in fee simple, clear of any reservations whatsoever, so many of said town lots and outlots as they may think proper, and with the money so arising from the sale of said lots, and with other money to be duly assessed, levied and collected, within the said county of Wayne, for that purpose, to pay for the lands thus purchased, and to build or erect a court house and gaol, suitable and convenient for the public, on such of the town lots as aforesaid as shall have been reserved for that purpose; and the said trustees shall have and receive three dollars per diem for their services, out of the moneys to be raised in pursuance of this act, and shall from time to time render true and faithful accounts of the expenditures of the same, not only to the commissioners, but to the auditors of accounts, for the said county of Wayne, for inspection, adjustment and settlement.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the said county of Wayne, which shall be elected at the next annual election, to take assurance to them, and their successors in office, of such lot or piece of ground, as shall have been approved of by the trustees appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court house, gaol and offices for safe keeping of the records; and that for defraying the expenses thereof, the said county commissioners are hereby authorized to assess, levy and collect, in the manner directed by the acts for raising county rates and levies, a sum, not exceeding two thousand dollars.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the aforesaid county of Wayne shall be, and is hereby, declared to belong to the third district, consisting of the counties of Berks, Northampton, Luzerne, Northumberland and Lycoming; and the president of

the court of common pleas within the said district shall be the president of the courts of common pleas of the said county; and that the courts of common pleas and quarter sessions shall be held on the Mondays next after those of Lycoming county.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said county of Wayne shall form a part of the district composed of the counties of Montgomery, Bucks and Northampton, for the election of members of congress.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the judges of the supreme court shall have the like powers, jurisdictions and authorities, within the said county of Wayne, as by law they are vested with and entitled to have and exercise in other counties of this state.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That where the division line shall divide a township, the part of the township thus divided which will remain in Northampton county shall be a township, and the part of the township thus divided which may lie in the county of Wayne shall be a township, and retain its original name, until the same shall be altered by the courts of quarter sessions of the said counties respectively.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That part of Middle Smithfield, which will lie in the county of Wayne, and Delaware township, in the county aforesaid, are hereby erected into a separate election district, and that the electors thereof shall hold their annual election at the house now occupied by William Smith, in Delaware township aforesaid.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the townships of Matlack and Upper Smithfield, in the said county, are hereby erected into a separate election district, and the electors thereof shall hold their annual elections at the house now occupied by George Buchanan, in Upper Smithfield township aforesaid.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That that part of Wayne

county, not included in the above mentioned districts, is hereby declared to be separate election district, and the electors thereof shall hold their annual elections at the house now occupied by Elijah Dix.

Passed March 21, 1798. Recorded L. B. No. 6, p. 241, etc.

CHAPTER MCMLXXXVII.

AN ACT DECLARING THE RIVERS OHIO AND ALLEGHENY, AND CERTAIN BRANCHES THEREOF, PUBLIC STREAMS OR HIGHWAYS.

[Section I.] (Section I, P. L.) 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, from and after the passing of this act, the river Ohio, from the western boundary of the state up to the mouth of the Monongahela, Big Beaver creek, from the mouth up to the first fork in the seventh district of donation land, the Allegheny river, the mouth of the northern boundary of the state, French creek to the town of LeBoeuf, and Conewago creek, from the mouth thereof to the state line, Conewango creek, from the mouth up to the main forks, Little Coniate creek, from the mouth up to the inlet of the Little Coniate lake, Toby's creek, from the mouth up to the second fork, Oil creek, from the mouth up to the main fork, Broken Straw creek, from the mouth up to the second fork, Sandy Lick or Red Bank creek, from the mouth up to the second great fork, be, and the same are hereby, declared to be public streams and highways, for the passage of boats and rafts; and it shall and may be lawful for the inhabitants or others, desirous of using the navigation of the said river and branches thereof, to remove all natural obstructions in the said river, and branches aforesaid.

Passed March 21, 1798. Recorded L. B. No. 6, p. 245, etc.