

other person to serve the said office, for and during the term which the person in whose room he was appointed was to have served, who shall hold such office subject as aforesaid.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the electors, residing in the borough of Lancaster, in the county of Lancaster, shall, on the third Saturday of March, yearly, and every year hereafter elect four suitable persons, being citizens of said borough, for the office of constable, and shall return the names of the persons so elected to the next general court of quarter sessions of the peace to be holden for the county of Lancaster, and the court shall appoint two of them constables for the said borough, and the person so elected and appointed shall in case of refusal to serve, be subject to like penalties as by law are already imposed, and in case of any vacancy by death, removal or otherwise, the court shall appoint, in the usual manner, another person to serve the said office for and during the term which the person in whose room he was appointed was to have served.

Approved March 2, 1804. Recorded in L. B. No. 10, p. 75.

CHAPTER MMDLIII.

AN ACT TO ORGANIZE THE PROVISIONAL COUNTY OF ARMSTRONG.

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 first Monday of November next, the inhabitants of the county of Armstrong shall enjoy all and singular the jurisdiction, powers, rights, liberties and privileges within the same, which the inhabitants of other counties in this state do enjoy by the constitution and laws of this commonwealth.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That actions of trespass and ejectment for the trial of titles to land, actions of trespass quare

clausum fregit, for entry into any lands or tenements within the county of Armstrong, which shall, at the time of passing this act, or before the first Monday of November next, have been commenced in the court of common pleas or circuit court of Westmoreland county, and which shall on the said first Monday of November next, be still pending and undetermined, shall be transferred to the court of common pleas and circuit court of Armstrong county, there to be proceeded on to trial and determination according to law, in the same state, and subject to the same rules, as they or any of them were on the said Monday, and the prothonotary of Westmoreland county shall, and he is hereby required and enjoined, within thirty days after the said first Monday of November next, to make out a docket, containing a statement of all such actions then pending and undetermined in the said county of Westmoreland, and shall have the said docket, together with the records, declarations and other papers respecting all such actions then pending and undetermined as aforesaid, ready to be delivered to the prothonotary of Armstrong county, who, before he receives the same, shall pay to the prothonotary of Westmoreland county, for every action contained in said docket, the usual fees allowed for similar services, which shall be reimbursed to him by the county of Armstrong; and all such actions so pending and undetermined as aforesaid and transferred as aforesaid, by the prothonotary of Westmoreland county to the prothonotary of Armstrong county, shall be considered as pending in the court of common pleas and circuit court of Armstrong county, from and after the first Monday of November next, as if they had been originally commenced in said county; and the prothonotary of Armstrong county shall account upon the receipt of the costs of all such actions, or any of them, to the prothonotary of Westmoreland county for all legal fees incurred in the county of Westmoreland, on such actions, or any of them; and no action or suit, other than the said actions of trespass and ejectment, or trespass quare clausum fregit, now commenced, or which may be commenced, in the county of Westmoreland, before the first Monday of November next, against any person living or re-

siding in Armstrong county shall be stayed, discontinued or affected by this act, or any thing herein contained, but the same may be prosecuted in the same manner as if this act had not been passed.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the sheriff, coroner and other public officers of Westmoreland county shall continue to exercise the duties of their respective offices within the county of Armstrong, as heretofore, until the first Monday of November.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That sheriffs, coroners, treasurers and all such other officers as have heretofore usually given bail for the faithful discharge of the duties of their respective offices, who shall be hereafter elected or appointed in the county of Armstrong, before they enter on the duties of their offices, shall give sufficient sureties in the like sums, and in the like manner and form, and for the like purposes, uses and trusts, as such officers are obliged to do in the county of Crawford, or for such sums, or in such manner as may hereafter be directed by law.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That all taxes laid, or directed to be laid, within the county of Armstrong, before the passing of this act, shall be laid, assessed, levied and collected in like manner as if this act had not been passed, and all sums of money due this commonwealth for militia fines in the said county of Armstrong, and arrearages of taxes, shall be collected and recovered in the same manner as if this act had not been made.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners that may be hereafter elected for the county of Armstrong, to erect, or cause to be erected, as soon as they deem convenient, a court house, prison, and public buildings for the safe keeping of the records and papers in the county aforesaid, on such parts of the public square in the town of Kittanning, in the county of Armstrong, as the

commissioners of said county may think proper; and the commissioners of Westmoreland and Armstrong counties are hereby directed to examine, liquidate and settle the accounts which have been kept of the county taxes, agreeably to an act of the general assembly of this commonwealth, passed the twelfth day of March, one thousand eight hundred,⁽¹⁾ and on having ascertained the balance which may be due from either county to the other, the commissioners of the debtor county shall draw an order on their treasurer, directing him to pay the treasurer of the creditor county the balance which shall be so found due.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of Armstrong county shall have power to procure a house in or as near the town of Kittaning, as convenience will admit at the least possible expense, in which the courts of said county shall be held until a court house is erected, or if such house cannot be conveniently procured, the aforesaid commissioners shall have power to erect temporary buildings in said county for that purpose.

Section VIII. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the citizens, inhabitants of Armstrong county, who are or shall be qualified to elect, agreeably to the laws and constitution of this state, shall, at the general election to be held in the county aforesaid, on the second Tuesday of October next, choose two fit persons for sheriffs, two for coroners, and three for commissioners in said county, in the same manner, and under the same regulations and penalties, as by the constitution and laws of this commonwealth, similar officers are chosen in other counties; and said officers when chosen as aforesaid and duly qualified to enter on the duties of their respective offices, shall have and enjoy all and singular the powers, authorities, privileges and emoluments, in or any way arising out of their respective offices, in and for the county aforesaid, as fully as such officers are entitled to in any of the counties within this commonwealth.

Section IX. (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the courts of common pleas and quarter sessions of the peace for the county of Armstrong, shall, from and after the first Monday of November next, commence and be holden on the second Monday after the courts in Westmoreland county, and the judges of the supreme court, the president of the fifth circuit or district, and the judges to be appointed in the said county of Armstrong, shall have and exercise like powers, jurisdictions and authorities within and over the same as are or may be warranted to and exercised by the judges in other counties within this state.

Section X. (Section X, P. L.) And be it further enacted by the authority aforesaid, That every law, or part of any law, which is by this act altered or supplied, shall be so far and no farther repealed and made void.

Approved March 18, 1805. Recorded in L. B. No. 10, p. 76.

Note (*). Chapter 2130; 16 Statutes at Large, p. 53.

CHAPTER MMDLIV.

AN ACT FOR THE RELIEF OF JOHN HUGHES.

Whereas it has been represented to the Legislature, that John Hughes received patents from this commonwealth for two tracts of land, each containing four hundred acres and allowance; which lands are ascertained, on running the permanent western boundary line, to have fallen within the state of Virginia: That the agreement entered into between the states of Virginia and Pennsylvania relative to fixing the western boundary line between the said states, and the ratification of said agreement on behalf of this state, providing for and securing the rights of the inhabitants of each state to their lands, although the title might have accrued under either state, does not provide for this case, because the warrants and patents were issued by the state of Pennsylvania to the said John Hughes, subsequent to the said agreement and final ratification on behalf of this commonwealth, and