

## CHAPTER MMDCLXV.

## AN ACT TO ORGANIZE THE PROVISIONAL COUNTY OF INDIANA.

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 in November next, the inhabitants of Indiana county, 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 Indiana, which shall at the time of passing of this act or before the first Monday in 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 Indiana 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 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 Indiana 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 Indiana; and all such actions so pending and undetermined as aforesaid, and transferred as aforesaid, by the prothonotary of Westmoreland county to the prothonotary of Indiana county, shall be considered as pending in the court of Common Pleas and Circuit Court of Indiana county, from and after the first Monday of November next, as if they had been originally commenced in said county; and the prothonotary of Indiana county, shall account on the receipt of the costs on 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 residing in Indiana 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 Indiana as heretofore, until the first Monday of November next.

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 Indiana, 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 Indiana, before the passing of this act, shall be laid, assessed, levied, collected and recovered in the same 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 Indiana, 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 Indiana, to erect or cause to be erected as soon as they may deem expedient, a court house, prison and other public buildings for the safe-keeping of the records and other public papers appertaining to or in the county aforesaid, in such parts of the public ground appropriated for that purpose in the town of Indiana, in the county of Indiana, as the commissioners of said county may think proper; and the commissioners of Westmoreland and Indiana 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 and one,<sup>(1)</sup> and 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 Indiana county, shall have power to procure a house in or near the town of Indiana, 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 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 Indiana 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 until it shall be otherwise directed by law, the county district of Jefferson shall be annexed to the county of Indiana, and the inhabitants of Jefferson county, shall in conjunction with those of Indiana, have, exercise and enjoy all the privileges and immunities granted to the inhabitants of Indiana by this act, as fully and to all intents and purposes as if the said county district was and had been a component part of the county of Indiana; and the county commissioners and other officers that are or may hereafter be appointed in the county of Indiana, shall have and exercise the same powers and jurisdictions in and over the county district of Jefferson, and be subject to the same laws, rules and regulations, to all intents and purposes, as the county commissioners and other officers in the county of Westmoreland are authorized to do and perform in virtue of an act, entitled "A supplement to an act, entitled "An act to erect parts of Lycoming, Huntingdon and Somerset counties into separate county districts," passed the third day of February, one thousand eight hundred and six;<sup>(2)</sup> Provided nevertheless, that nothing in this act shall be so construed as to prevent the collection of any tax or taxes that may have been levied and assessed by the

commissioners of Westmoreland county, at any time before this act shall come into operation, any law or laws to the contrary notwithstanding.

Section X. (Section X, 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 Indiana, shall, from and after the first Monday of November next, commence and be holden on the second Mondays after the courts in Somerset county; and the judges of the Supreme Court, the president of the tenth district or circuit, and the judges to be appointed in the said county of Indiana, 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; and all process from said court of Common Pleas or Quarter Sessions of the Peace, which shall issue and be made returnable to the first term as herein mentioned, shall bear test on the first Tuesday of November next.

Section XI. (Section XI, 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 so far and no further be repealed and made void.

Approved March 10, 1806. Recorded in L. B. No. 10, p. 265.

Note (1) There is no Act of Assembly dated March 12, 1801.

Probably the act intended to be referred to is Chapter 2374.

17 Statutes at Large, p. 434.

Note (2) Chapter 2641; Supra this volume, p. 54.

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## CHAPTER MMDCLXVI.

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### AN ACT TO INCORPORATE THE TOWN OF GETTYSBURG, IN THE COUNTY OF ADAMS.

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 the town of Gettysburg, in the county of Adams, shall be, and the same is hereby erected into a borough, which shall be called "The Borough of Gettysburg," bounded and limited as follows; to wit, Beginning at