

Preble County Democrat.

L. G. GOULD, Editor and Proprietor.

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NUMBER XVIII.

LAWS OF OHIO.

PUBLISHED BY AUTHORITY.

[No. 71.] AN ACT

To amend section fourteen of an act entitled "an act providing for the Punishment of Crimes," passed March 7, 1835.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That section fourteen of an act entitled "an act providing for the punishment of crimes," passed March seventh, eighteen hundred and thirty-five, be amended so as to read as follows: Section 14. That if any person shall, in the night season, willfully, maliciously, and forcibly break and enter into any dwelling house, kitchen, smoke-house, shop, office, store-house, ware-house, malt-house, still-house, mill, pottery, factory, water-craft, school-house, church or meeting-house, barn or stable, with intent to kill, rob, commit a rape, or with intent to steal property of any value, or to commit any deed made criminal by this act to which this is amendatory; every person so offending shall be deemed guilty of burglary, and upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor not more than ten nor less than one year.

SEC. 2. That the original section fourteen of this act aforesaid be and the same is hereby repealed.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 3d, 1857.

[No. 72.] AN ACT

Further to preserve the purity of elections.

SECTION 1. Be it enacted by the General Assembly of Ohio, That every person who, on oath or affirmation, in or before any court within this State, or officer authorized to administer oaths, shall, to procure or acquire the right to vote therein, for himself or any other person, willfully or corruptly depose, affirm or declare any matter to be fact, knowing the same to be false; or shall, in like manner, deny any matter to be false, knowing the same to be true; every person so offending shall be deemed guilty of perjury, and on conviction thereof shall be imprisoned in the penitentiary and kept at hard labor, not more than five nor less than one year. This act shall apply to all proceedings to procure any paper or papers of naturalization, and every such willful and corrupt falsehood, depose, affirmed, or declared, on oath or affirmation, in the manner before stated, in any such proceedings, shall be held and taken to have been made to procure and acquire the right to vote within this State. This act to take effect from its passage.

N. H. VAN VORHIES,
Speaker of the House of Representatives
LESTER TAYLOR,
President of the Senate, pro tem.
April 3d, 1857.

[No. 74.] AN ACT

To amend an act entitled "An Act to encourage the organization of Fire Companies," passed March 13th, 1843.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That any person who is now, or shall hereafter become, an acting member of any fire-engine, hook and ladder, hose, or other company for the extinguishment of fire, or the protection of property at fires, now existing, and under the control of the corporate authorities of any city or incorporated town within this State, or any of such company which shall hereafter be organized under and subject to the authorities of any city or town as aforesaid, shall, during the time he may continue an acting member of such company, be exempted from the performance of any military duty, from serving on juries, and from the performance of labor on the high ways. And any person who shall have been an acting member of any such company in any city or town, as aforesaid, and shall have faithfully discharged his duties as such for the term of five years, shall be forever thereafter exempted from the performance of military duty in time of peace, from serving as a juror, and from the performance of labor on the highways.

SEC. 2. That section one of the act to which this is an amendment, and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 3, 1857.

[No. 76.] AN ACT

To amend an act entitled "An Act to regulate the sale of School Lands, and the surrender of permanent leases thereto," passed April 16th, 1852.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That section 15 of the act entitled "an act to regulate the sale of school lands, and the surrender of permanent leases thereto," passed April 16th, 1852, be and the same is hereby amended so as to read as follows:

SEC. 2. (Section 15) If any purchaser or lessee shall fail to make any payment on any tract of land for the space of twelve months after the same

shall become due and payable, the auditor of the proper county shall forthwith proceed to sell such tract or tracts of land, with all the improvements thereon, at the door of the court house, to the highest and best bidder therefor, in cash—having first given notice of the time and place of such sale containing a description of the lands, and the money due, and to become due, thereon, publishing the same in some newspaper of general circulation in said county, for six consecutive weeks before the day of sale; and on such sale no bid shall be entertained for a sum which will not be sufficient to pay all the purchase money due the State, and all expenses incident to such sale; and in case said premises cannot be sold for that amount, they shall revert to the state in trust for said township. The Court of Common Pleas of the proper county may, on application of the trustees, as provided for in section nine of this act, to which this is an amendment, order a re-appraisal of the premises so forfeited; and the same may be sold in the manner herein before provided for in the sale of such lands not under permanent leases, or leases for ninety-nine years.

SEC. 3. Section fifteen of an act entitled "an act to regulate the sale of school lands, and the surrender of permanent leases thereto," be, and the same is hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 3d, 1857.

[No. 77.] AN ACT

Supplementary to the "act to provide for the organization of Cities and Incorporated Villages," passed May 3, 1851.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That no territory or land not now included within the limits of any city, town or incorporated village plat, nor within the limits of any addition thereto, shall hereafter be annexed to any municipal corporation, without the assent of three-fourths of the legal voters residing on the land or territory to be annexed, which assent shall be made in writing, and presented to the county commissioners at the same time the petition for such annexation is presented to them, agreeable to the provisions of the 14th section of the act to which this act is supplemental; and said petition shall set forth the value of each parcel of land on the territory to be annexed, and the names of the owners thereof.

SEC. 2. This act to take effect immediately.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 3d, 1857.

[No. 78.] AN ACT

Making special appropriations for the year 1857.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That the following sums be, and are hereby appropriated out of any money in the treasury applicable thereto, namely:

For the payment of George Riordan, messenger for the Supreme Court, the sum of one hundred and eight dollars.

For the payment of cost and witness fees incurred by the committee on the penitentiary in investigating the complaint against Dr. J. B. Dawson, under resolution of the House, the sum of fifty dollars and twenty cents;

For paying balances for furniture and labor in furnishing legislative halls, committee rooms, executive offices, senate rooms, rooms, and other apartments in the State House, in addition to the amount heretofore appropriated, and to be paid under the same restriction, the sum of ten thousand eight hundred and eighty-eight dollars and sixty-eight cents;

For the payment of taxes refunded where erroneously charged and collected, twenty-five thousand dollars.

For the payment of mileage of county treasurers, sixteen hundred dollars.

SEC. 2. For balance due on contract for deepening and widening the Lancaster side cut, out of the canal fund, eleven thousand two hundred and ninety-five dollars and fourteen cents. And to complete the Lancaster side cut, the sum of seven thousand five hundred dollars: Provided, that if, upon careful examination of the subject, by the Board of Public Works, it is found that no contract exists for the completion of this work, the money hereby appropriated shall not be expended until there is a new letting of the work.

SEC. 3. For the payment of Hilliard Hays & Co., for account rendered against the Northern Lunatic Asylum in 1855, the sum of two hundred and seventy-nine dollars and three cents.

For the payment of Richard Riordan, Messenger of the Supreme Court, December Term, 1856, the sum of one hundred and sixty-four dollars.

For the payment of rent, gas light etc., for rooms of Clerk of the Senate after the adjournment in 1856, forty-seven dollars and twelve cents.

For the payment of the Clerk of the House and Senate for making out a list of the condition of all bills pending in each House at the time of adjournment in April last, to each the sum of forty

dollars, (being ten days per diem.)

SEC. 4. For Superintendence and repairs on section number three, Ohio Canals, thirty-seven thousand seven hundred dollars; and for the payment of engineers, special superintendents, attorneys fees and incidental expenses, two thousand dollars.

For prosecuting the work on the State House, thirty thousand dollars.

For enlarging the canal on the first level below the city of Dayton, five thousand dollars.

For the purchase of three hundred and fifty copies of the reports of the decisions of the Supreme Court, published in 1856, under the act of April 14, 1854, at one dollar and sixty cents per volume, five hundred and sixty dollars.

SEC. 5. For paying balance due on account of expenses incurred by the joint committee of the General Assembly, appointed on the seventh day of April last, to investigate the transactions and expenditures of the Board of Public Works, for service of various persons employed by said committee, traveling and other incidental expenses, including the per diem allowance to the members of said committee, as members of the General Assembly, the gross sum of eight hundred and ninety-two dollars and forty-two cents; and

For the payment of balances due on account of similar expenses incurred by the joint committee appointed at the aforesaid time, to investigate the transactions and expenditures about the new State House, the Penitentiary, the three Lunatic Asylums, and the Blind and Deaf and Dumb Asylums, inclusive of the per diem allowance to the members of said committee, one thousand seven hundred and fifty-seven dollars and ninety-nine cents.

For paying the balance due on account of similar expenses incurred by the joint committee appointed at the same date to investigate the transactions of public agents in regard to the custody and disbursement of public moneys, including the per diem allowance to the members of said committee, the sum of two hundred and eighty-three dollars and sixty cents.

SEC. 6. The several appropriations made to the next preceding section shall be held to be in addition to the appropriations heretofore made for the same purposes, and as authorizing the payment of the money therein appropriated in addition to the money heretofore drawn from the treasury on the warrants of the Auditor of State, whether the Auditor shall have construed the acts making such former appropriations correct or not. And all warrants for the payment of money appropriated by this act preceding section, shall be predicated on the certificates of the chairman of the committee by which the expense was incurred.

SEC. 7. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 3, 1857.

[No. 80.] AN ACT

Making appropriation for the payment of Wolf-scap Certificates.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That the sum of three hundred and fifty dollars be hereby appropriated out of any money in the treasury not otherwise appropriated, for the payment and redemption of wolf-scap certificates.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 3, 1857.

[No. 83.] AN ACT

To amend sections 84, 101, and 127, of the Code of Civil Procedure.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That sections 84, 101, and 127 of the code of civil procedure, and the act of February 20, 1856, to amend the act entitled "an act to establish a code of civil procedure," be, and the same are hereby repealed.

SEC. 2. Section 84 shall be so amended as to read as follows: Section 84. The only pleadings allowed, are—
1st. The petition by the plaintiff;
2d. The answer or demurrer by the defendant;
3d. The demurrer or reply by the plaintiff;
4th. The demurrer to the reply by the defendant.

Cross Petition.—Any defendant, who is properly made a defendant, may claim, in his answer, relief touching the matters in question in the petition, against the plaintiff, or against other defendants in the same action.

SEC. 3. Section 101, shall be so amended as to read as follows: Section 101. The plaintiff may demur to one or more of the defenses set up in the answer, stating in his demurrer the grounds thereof; and where the answer contains new matter, the plaintiff may reply to such new matter, denying generally or specifically, each allegation controverted by him; and he may allege in ordinary and concise language, and without repetition, any new matter not consistent with the petition, constituting an answer in law to such new matter. To this reply, the defendant may demur.

SEC. 4. Section 127 shall be so amended as to read as follows: Section

127. Every material allegation of the petition not controverted by the answer, and every material allegation of new matter in the answer not controverted by the reply, shall for the purposes of the action, be taken as true, but the allegation of new matter in the reply shall be deemed controverted by the adverse party, as upon a direct denial or avoidance. Allegations of value, or of amount of damage, shall not be considered as true by failure to controvert them.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 8, 1857.

[No. 81.] AN ACT

To establish and fix the standard by which Linseed or Flax-seed Oil shall be sold, and to provide for the inspection of barrels therefor.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That whenever linseed or flax-seed oil shall be sold by the barrel, and no special agreement as to the measurement shall be made by the parties, the standard shall be seven and one-half pounds to the gallon.

SEC. 2. That all barrels for linseed or flax-seed oil shall be made of sound, well seasoned timber, tightly bound with strong hoops, the outward hoop on each end shall be secured with three nails of suitable size.

SEC. 3. That it shall be the duty of inspectors of the respective counties to inspect such barrels intended for linseed or flax-seed oil, and before filling the same, ascertain the true weight of such barrel; and when so inspected and weighed, to mark on the barrel the true weight with marking irons, to be provided by the inspector for that purpose, together with his name and name of the county.

SEC. 4. That the inspectors shall be entitled to receive ten cents per barrel for each barrel inspected and weighed, when the quantity required to be inspected and weighed at any one time, is less than twenty-five barrels, and when the quantity exceeds twenty-five barrels, the inspectors shall receive five cents per barrel; and in all cases five cents per mile for every mile necessarily traveled in the performance of his duty.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 8, 1857.

[No. 82.] AN ACT

Relating to Dower, and the mode of fixing the value in money of Dower Estates.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That in all actions and proceedings for partition of real estate, when the same cannot be divided and is ordered to be sold; and in all cases actions and proceedings for the sale of real estate by executors, administrators and guardians, when the widow of any decedent being a party, has a dower interest therein, it shall be lawful for such widow to file her answer in such proceeding, and waive the assignment of dower by metes and bounds, in said real estate, and ask the court to have such real estate sold free of dower, and to allow her in lieu thereof such sum in money out of the proceeds of sale as the court may deem the just and reasonable value of her said dower interest therein.

SEC. 2. That said answer of any such widow shall have the same force and effect, and shall be taken and held to be in all respects as a deed of release to the purchaser of such real estate, of the dower interest therein, of such widow.

SEC. 3. This act shall take effect and be in force on and after its passage.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 8, 1857.

[No. 84.] AN ACT

To amend the act entitled "an act to establish a code of civil procedure."

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That the two hundred and eighty-second section of the act "entitled an act to establish a code of civil procedure," shall be and is hereby amended so as to read as follows: When the parties do not consent, the court may, upon the application of either, or of its own motion, direct a reference in any case in which the parties are not entitled by the constitution of this state to a trial by jury.

SEC. 2. The original two hundred and eighty-second section aforesaid is hereby repealed.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 8, 1857.

[No. 86.] AN ACT

To prevent the circulation of counterfeit bank notes.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That it shall be lawful for any cashier, president, or other officer of any bank, authorized by the laws of this State to issue notes for circulation, whenever any counterfeit note or notes, purporting to

have been issued by such bank, shall be presented to such person at the banking house of such bank for inspection, payment, or redemption, to write in a bold hand across the face of such note or notes the words "Counterfeit," and sign his name under the same.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 8th, 1857.

[No. 87.] AN ACT

To empower the Administrator with the Will annexed, of James C. Swain, late of Preble county, deceased, and to authorize the Sheriff of said county to pay over any money in their hands coming to Willard Swain, an insane person, to his wife, Jane Swain, and to enable her to receipt therefor.

WITNESSES, Willard Swain, of Preble county, Ohio, has been insane for twelve years last past, and whereas, said Willard Swain escaped from his keepers over one year ago, since which time nothing has been heard from him; and whereas, he has, as the heir of this brother, James G. Swain, deceased, become entitled to some six hundred dollars of personal property; and whereas, his wife and minor children are in destitute circumstances, needing said funds for their daily support: Therefore, for their relief, and that said property may be applied to the maintenance of the wife and children of said Willard Swain, the following said act is passed:

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That the administrator with the will annexed, of the estate of James G. Swain, late of Preble county, deceased, is hereby authorized to pay to the said Jane Swain the amount of money in his hands coming to the said Willard Swain, from said estate, as legatee, or otherwise, and that her receipt therefor shall be a valid voucher with the probate court in the settlement of said estate, against the said Willard Swain and all others claiming from or under him.

SEC. 2. That the Sheriff of Preble county, in like manner, is hereby authorized to pay to the said Jane Swain the amount of money in his hands, which she is entitled to receive from the estate of said Willard Swain, and that her receipt therefor shall be a valid voucher with the probate court in the settlement of said estate, against the said Willard Swain and all others claiming from or under him.

SEC. 3. Said money in the hands of the administrator, or the Sheriff, shall be subject to the payment of any just and legal debt due and owing by said Willard Swain and charged with the support and education of his minor children. This act shall be in force from and after its passage.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 8th, 1857.

[No. 88.] AN ACT

For the relief of Partners and Joint Debtors.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That whenever any partnership firm shall be dissolved, by mutual consent or otherwise, it shall and may be lawful for any one or more of the individuals who was or were embraced in such partnership firm, to make a separate composition or compromise with any one or all of the creditors of such partnership firm; and such composition or compromise shall be a full and effectual discharge to the debtor or debtors making the same, and to them only, of and from all and every liability to the creditor or creditors with whom the same is made or incurred, by reason of his or their connection with such partnership firm, according to the terms of such compromise.

SEC. 2. Every such debtor or debtors making such composition or compromise, may take from the creditor or creditors with whom he may make the same, a note or memorandum in writing, exonerating him or them from all and every individual liability incurred by reason of such connection with such partnership firm, which note or memorandum may be given in evidence by such debtor or debtors in bar of such creditor's right of recovery against him or them; and if such liability shall be judgment in any court of record in the State, then on a production to and filing with the clerk of such court, the said note or memorandum in writing, such clerk shall discharge such judgment of record so far as the said compromising debtor or debtors shall be concerned.

SEC. 3. Such composition or composition with an individual member of a firm, shall not be so construed as to discharge the other copartners, nor shall it impair the right of the creditor to proceed against the members of such partnership firm as have not been discharged. And the member or members of such partnership firm so proceeded against, shall be permitted to set off any demand against said creditor or creditors which could have been set off had such suit been brought against all the individuals composing such firm; nor shall such compromise or discharge of an individual of a firm prevent the other members of such firm from availing themselves of any defense that would have been available had not this act been passed, except that they shall not

set up the discharge of one individual as a discharge of the other copartners, unless it shall appear that all were intended to be discharged: Provided, that the discharge of any such copartner shall be deemed a payment to the creditor equal to the proportionate interest of the partner discharged in the partnership concern.

SEC. 4. That such compromise or composition of an individual of a firm with a creditor of such firm, shall in no wise effect the right of the other copartners to call on the individual making such compromise, for his rateable portion of such partnership debt, the same as if this law had not been passed.

SEC. 5. The above provisions in reference to copartners of a firm, shall extend to joint debtors, who are hereby authorized individually to compound or compromise for their joint indebtedness, with the like effect in reference to creditors and to joint debtors of the individual so compromising, as is above provided in reference to copartners.

SEC. 6. This act shall take effect immediately on its passage.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 8, 1857.

[No. 89.] AN ACT

Supplementary to "an act regulating appeals to the District Court," passed March 23, 1852.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That in all cases where an appeal has been or shall be taken from the Court of Common Pleas to the District Court, and the surety in the undertaking for the appeal shall have removed from the State, or for any cause whatever, shall be insufficient, or if such undertaking shall be insufficient in form or amount, it shall be lawful for the District Court on motion, to order a change or renewal of such undertaking, or said Court may order a new undertaking to be given, with security, to be approved by said Court, or the Clerk thereof; and if the said order of the said Court shall be complied with and obeyed, said appeal shall not be dismissed; but said Court shall proceed to hear and determine the cause in the same manner as if the said order had not been made, but if the order of said court shall not be complied with and obeyed, said appeal, on motion for that purpose, shall be dismissed, and the judgment or decree in the Court before, shall be revived.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 8th, 1857.

[No. 90.] AN ACT

Amendatory of the act entitled an act to provide for taxing Banks and Banking Companies, passed March 23, 1850.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That so many of the branches of the State bank of Ohio, and independent banks as accepted and are taxed agreeable to the provisions of this act to provide for the taxing of banks and banking companies, passed March 23, 1850, shall hereafter make out under oath their returns, agreeable to the first section of said act, and return the same to the auditor of the proper county where in the banks or branches are located, instead of to the auditor of State; and that the auditors of the respective counties wherein such banks or branches are located shall place the same on the grand duplicate of the county to be taxed, for all purposes, as money at interest and other capital are, at the place where such bank or branch is located. And the taxes arising therefrom shall be collected by the county treasurer, and by him paid over as all other taxes are for State, county, township and other purposes, in their respective counties.

SEC. 2. That so much of the act to which this amendatory is inconsistent with this act, be and the same is hereby repealed.

SEC. 3. This act to take on and after its passage.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 8, 1857.

[No. 92.] AN ACT

Supplementary to an act entitled "an act to authorize Judges of the Court of Common Pleas of each judicial district to fix permanently the times for holding the Courts of Common Pleas and District Courts therein," passed March 29, 1856.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That whenever the Judges of the District and Common Pleas Courts have omitted to change the times of holding said courts as fixed by the statute in force prior to the passage of the act to which this act is supplementary, the said Judges are hereby authorized to fix the times of holding said courts at any time after the passage of this act, all orders for such purpose shall be recorded and published as is provided in said act, and the orders when made shall be subject to the same conditions as therein prescribed.

SEC. 2. That so much of the act to which this amendatory is inconsistent with this act, be and the same is hereby repealed.

SEC. 3. This act to take on and after its passage.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
April 8, 1857.

[No. 94.] AN ACT

For the punishment of the crime of maliciously destroying property.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That if any person shall willfully and maliciously destroy or injure to the amount of one hundred dollars, any personal property of any description whatsoever, or any building or other structure upon land or any kind whatsoever, owned by any other person or persons, copartnership or association of persons, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by confinement in the penitentiary and kept at

SEC. 2. This act shall take effect on its passage.

N. H. VAN VORHIES,
Speaker of the House of Representatives
THOMAS H. FORD,
President of the Senate.
Dated April 8th, 1857.

[No. 93.] AN ACT

To restore to the Court of Common Pleas the Jurisdiction of minor offences.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That the Court of Common Pleas in addition to the jurisdiction it now has, shall have original jurisdiction of all crimes, offenses, and misdemeanors, the cognizance of which is now, or heretofore has been, vested in the Probate Court.

SEC. 2. All prosecutions for said crimes, offenses, and misdemeanors shall by indictment in the Court of Common Pleas in the county in which the crime, offense, or misdemeanor shall have been committed, except where it is otherwise provided in the several acts for the punishment of crimes.

SEC. 3. All fines collected under said prosecutions shall be paid into the treasury of the county where the prosecution is held, and all persons shall be imprisoned in the jail of the proper county.

SEC. 4. All recognizance which shall hereafter be taken by Justices of the Peace and other officers authorized to take the same; and all transcripts in criminal cases within the jurisdiction of the Common Pleas Court, shall be returned to said court forthwith after the commitment of a person charged with an offense, or the taking of a recognizance for his appearance before said court.

SEC. 5. That all prosecutions pending in the Court of Probate of any county at the time of the taking effect of this act shall be continued, upon the informations now filed in the Court of Common Pleas of the proper county; and the Probate Judge of each county is hereby directed to transmit to said Common Pleas Court all informations now on file in his office and not disposed of.

SEC. 6. That no bill of indictment for any offense specified in the act entitled "An act for the punishment of Crimes," passed March 8, 1833, shall be found a true bill by any grand jury, unless the name of the prosecutor be endorsed thereon, except such bill be found testimony sworn and sent to the grand jury by order of the Court, at the request of the Prosecuting Attorney, or the foreman of the grand jury, in which cases the fact that the bill was found by grand jury, by order of the court, shall be indorsed on the bill instead of the name of the prosecutor.

SEC. 7. That in all cases where the prosecutor's name is indorsed on the bill and the same is found a true bill by the grand jury, and upon trial the defendant is acquitted, the prosecutor shall be liable for costs; and the court at the term at which such acquittal shall take place, or at any subsequent term, shall render judgment against such prosecutor for such costs, unless the court shall be of opinion that there were reasonable grounds for instituting the prosecution.

SEC. 8. That chapter four, containing from section twenty nine to, and including, section fifty of an act defining the jurisdiction and regulating the practice of the Probate Court, passed March 14, 1853 also, an act amendatory of the same, passed April 26, 1854; also the act entitled "an act to restore to the Court of Common Pleas the jurisdiction of minor offences, in certain counties in this State," passed April 9, 1856