

[No. 88.]

A SUPPLEMENT

To an act authorizing the Governor to incorporate the Delaware and Susquehanna Rail Road Company and for other purposes.

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 the time for carrying into effect the object of the charter of the Delaware and Susquehanna rail road company shall be extended for five years, after the twenty-eighth day of February, one thousand eight hundred and forty-two. Charter extended five years

SECTION 2. That Andrew T. McClintock, and Henry Harman, of Luzerne county; Ebenezer Kingsbury, junior, and Alpheus Holister, of Wayne county; and Oliver S. Dimmick, Moses Kellam, and Henry S. Mott, of Pike county, are hereby appointed commissioners to carry the said act into effect in place of David Scott, deceased, and Nathaniel B. Eldred, John Rosa, and Daniel M. Broadhead, removed. Commissioners appointed

SECTION 3. That the balance of the appropriation now remaining unexpended in the hands of the commissioners appointed by the act, entitled "an act for the improvement of the navigation of the Big Bushkill creek, passed eleventh October, anno domini, one thousand eight hundred and thirty-nine, be expended as follows, to wit: one half of said balance in improving the road leading from the Milford and Owego turnpike road, near Milford, to Crawford's mill, in Dingman township, in Pike county, the said sum to be expended under the direction of George Nyce, of the said county of Pike: one eighth part of said balance in improving the state road leading from Stroudsburg to Milford, commencing at Bushkill Bridge in Monroe county; this last mentioned sum to be expended under the direction of Jacob Miller of the township of Middle Smithfield; one other eighth part of said balance in improving the same road commencing at Broadhead's creek bridge, near Stroudsburg, this sum to be expended under the direction of William Staples, of Stroud township, Monroe county; one other eighth part in improving the state road leading from Stroudsburg, to Bartonsville, as now travelled, this sum to be expended under the direction of Jost Mackey, of Pocono, in said Monroe county; and the other eighth part in improving the state road from White Haven to Stroudsburg, Money unexpended for the Big Bushkill creek how appropriated

commencing at Brotzman's tavern on said road, and extending towards Stroudsburg, this last sum to be expended under the direction of Jost Driebach, of Monroe county.

Commission-
ers to settle
their accounts

SECTION 4. The commissioners appointed by the act aforesaid are hereby required to settle their accounts before the court of common pleas of Monroe county, at the next term of said court, and to pay over to the persons named in the preceding section of this act, the said balance remaining in their hands, in the proportions therein stated, and as soon as the said persons in this act appointed to expend said money shall have performed the duties enjoined upon them, they shall settle their account of the same before the court of common pleas of the county in which the money is to be expended, and the said money shall be expended within one year after it shall be received as aforesaid.

Auditor Gen-
eral to bring
suit

SECTION 5. And in case of neglect or refusal of the commissioners appointed by the act before referred to, to pay over the balance of the appropriation remaining in their hands to the persons herein named, the auditor general is required to cause suit to be brought in the name of the commonwealth by action of debt or otherwise against the said commissioners and their securities in the county of Monroe, and the money when collected shall be paid under the direction of the court of common pleas of said county to the persons named in this act according to the representative proportions herein provided.

Sec'y of com-
monwealth to
publish laws

SECTION 6. That the secretary of the commonwealth, shall immediately after their passage cause all acts and parts of acts of the general assembly, which are of a public and general nature, to be published in one newspaper published at Harrisburg, by one insertion, the expense of which shall be paid in the same manner that the printing of the laws is paid for: *Provided*, That the sum to be paid for such publication shall not exceed the sum of one hundred dollars for the publication of the laws of any one year.

An act exten-
ded to Ches-
ter county

SECTION 7. That so much of the act supplementary to an act granting certain powers to the authorities of the cities of Lancaster and Philadelphia, and for other purposes, passed the sixteenth day of April, one thousand eight hundred and thirty-eight, and extended to the county of Chester, the twenty-seventh day of March, one thousand eight hundred and thirty-nine, as relates to the letting out of the public roads by contract by the supervisors of the several townships in the county of Chester, be and the same is hereby repealed, so far as relates to the townships of Lower Oxford, and West Pike-land, in the county of Chester, and the former law relating to the repairs of the highways restored.

WHEREAS, It has represented to the Legislature, that Henry Drinker, late of the city of Philadelphia, deceased, in and by his last will and testament, dated the twenty-eighth day of March, one thousand eight hundred and eight, devised and bequeathed one fifth part of the residue of his estate unto trustees for the sole and separate use of his daughter Mary Rhoads, during her life, and at her decease to the use of all and every of her children born or to be born, their respective heirs and assigns, forever, and in case he should die without leaving any child or children living at her decease, then to the use of such person or persons as she by her last will and testament or any writing in the nature thereof may limit and appoint, and for want of such appointment, then to the use of the right heirs of him. the said Henry Drinker, forever. *And whereas*, a considerable portion of the real estate so devised is unproductive, and it would be much to the interest of the said Mary Rhoads and her children, that the same should be sold, and the proceeds invested, but the testator has given no power to the trustees to dispose of the same. Therefore,

SECTION 8. That Nathan Kite, and Israel Pemberton Pleasants, of the city of Philadelphia, trustees of the said Mary Rhoads, under the said will, or the trustees for the time being, be and they are hereby authorized and empowered, with her approbation, testified by her joining in any conveyance to sell either at public or private sale, for cash, or on credit or both, all or any part of the real estate so devised, and situate in the state of Pennsylvania, which has been or shall be allotted as the share of the said Mary Rhoads, under the said will, and to convey the same in fee simple, or otherwise, by good and sufficient deeds to the purchaser or purchasers thereof in whom the title to the said real estate shall be as fully vested, as if any parties who may become entitled thereto, under the said will, had joined in such conveyance, and the said purchasers shall take the same, discharged from all trusts under the said will, and without any liability on their part to look to the application of the purchase money: *Provided always*, That the said trustees shall hold the moneys or securities arising from the sale of the said estate for the same uses for which they now hold the said real estate, and the same shall be appropriated in all respects agreeably to the provisions of the said devise: *And provided also*, That the said trustees before making sale of the said real estate, shall enter into bond or recognizance, in such sum and with such security as the orphans' court of Philadelphia county shall direct, for the faithful execution of the power hereby given to them, and for

Nathan Kite
and Israel
Pemberton to
sell the real
estate of Mary
Rhoads

LAWS OF PENNSYLVANIA

the proper application of the proceeds of such sale, or sales, made in pursuance of the foregoing authority.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

JOHN STROHM,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 89.]

AN ACT

Incorporating the Union Church and School, in the village of New Holland, in the county of York.

Society incor-
porated

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 a corporation is hereby created, which shall be called by the name, style and title of the "Union Church and School Society of New Holland," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity to take, hold and receive, to them and their successors, for the use of the said society, lands, tenements, goods and chattels, of whatsoever kind, nature, or quality, real, personal or mixed, which is now, or shall, or may at any time hereafter become the property of the said society, or to be held for their use by gifts, grants, bargains, sales, conveyance, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and to grant, bargain, sell, mortgage, improve, or dispose of for the use of the said society: *Provided,* That the yearly value or income of the said estate shall not exceed the sum of two thousand dollars, and shall not be appropriated to any other than benevolent or religious uses.

Officers of
society

SECTION 2. The business of the said society shall be conducted by three trustees and one secretary, which trustees may appoint a treasurer, and such other officers as they