

to be erected by said company in pursuance of this act, he, she or they shall for every such offence forfeit and pay to the said company, three times the actual damages so sustained, to be sued for and recovered with costs of suit, in any court having cognizance thereof, by action of debt in the name and for the use of said company.

Banking prohibited SECTION 20. That if the company incorporated by this act, shall at any time issue any note or notes in the nature of bank notes, or shall transact any business in the nature or manner of banking, then and in either of those cases their chartered privileges shall cease and revert to this Commonwealth.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The thirteenth day of July, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 114.]

A N A C T

Authorizing the governor to incorporate the Bear Mountain Rail Road Company, and for other purposes.

Commissioners 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 James Peacock, Emanuel Guyer, Henry M'Kinney, Benjamin Parke, Christian Eherman, John P. Leebrich, of Dauphin county, Samuel Keller, Hugh Maxwell, Lewis Hurford, Christopher Hager, Philip Reitzel, of Lancaster county, Samuel Wagner, Daniel Gardner Jacob Upp, of York county, William T. Rogers of Bucks county, John A. Gamble, of Lycoming county, Job R. Tyson, William V. Pettit and Adam Diller of Philadelphia, be and they hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they or any three of them shall procure a sufficient number of suitable books, and in each of them enter as follows, viz: We and each of us

whose names are hereunto subscribed do promise to pay to the directors of the Bear Mountain Rail Road Company, the sum of twenty dollars, for every share of stock set opposite to our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places, and with such conditions as may be agreed upon by the commissioners taking such subscriptions, or as shall be determined and directed by the directors of this company, in pursuance of an act authorizing the governor to incorporate the Bear Mountain Rail Road Company; witness our hands and seals this day of Anno Domini one thousand eight hundred and forty-two, and shall thereupon give at least ten days notice in two newspapers printed in the counties of Dauphin, Lancaster and York, and in one daily paper published in the city of Philadelphia, of the times when, and the places where some one or more of the said commissioners will attend and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said books, and any incorporated company or body politic, may also subscribe, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books, five thousand shares, and if at the expiration of three days the books aforesaid, shall not have the number of shares aforesaid therein subscribed, then the said commissioners at their discretion may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer the commissioners aforesaid, shall give such public notice as the occasion may seem to require, but no subscription shall be valid unless the person so subscribing shall pay to the said commissioners at the time of making the same, the sum of one dollar on each share for the use of the company.

Form of subscription

Notice of subscription

SECTION 2. If more than fifteen thousand shares shall be subscribed, in the time specified in the preceding section to the capital stock of the said company, the said commissioners or a majority of them, shall reduce the subscription to fifteen thousand shares, by striking off from the largest number of shares, in succession, until the subscription shall be reduced to fifteen thousand shares or each of the subscriptions to one share, and if there shall be still an excess, then lots shall be drawn by the commissioners to determine who shall be excluded.

Power to reduce subscription

SECTION 3. When five thousand shares or more shall be actually subscribed, and one dollar on each share paid to said commissioners, the said commissioners or a majority of them shall certify the same under oath or affirmation to the governor of this Commonwealth, and on the receipt of such certificate the governor shall, by letters patent under his hand and the

Letters patent seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic in deed and in law, and by the name, style and title of the "Bear Mountain Rail Road Company," and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, implead and be impleaded in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels and all estates, real, personal, mixed of what kind or quality soever, and the same from time to time may sell, mortgage, grant, alien and dispose of, and make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal, and the same alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due management and ordering of the affairs and business of the same: *Provided* That nothing herein contained, shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining the said rail road, and to the conveyance of passengers and the transportation of goods, merchandize and commodities thereon.

Name

Privileges and franchises

Seal

Proviso

Banking prohibited

Directors **SECTION 4.** For the management of the affairs of the said corporation, seven directors shall be elected by ballot annually by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of the United States and of this commonwealth, as may be necessary for the well ordering of the affairs of the said company: *Provided*, That none but stockholders shall be eligible to be elected directors, and that at every such election, and in all other cases in which the stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and also that in all cases of elections for directors the seven stockholders having the greatest number of votes shall be declared duly elected.

By-laws

Proviso

Right of voting **SECTION 5.** No share of stock shall be entitled to the right of suffrage which shall not have been held three calendar months prior to the day of election, nor unless it shall be held by the person in whose name it appears absolutely, and bona

vide in his own right, or in that of his wife, or for his sole use and benefit, or as executor, administrator, trustee or guardian or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for the use and benefit of any other person, that no share or shares held by transfer, shall be entitled to vote unless the same shall have been transferred at least three months before the election, and no share or shares shall be entitled to vote at any election, or at any general or special meeting of the said company on which any instalment or arrearages may have been due and payable, more than twenty days previously to the said election or meeting, and that all votes by proxy, shall be upon such terms and conditions as are prescribed by the act, passed the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies:" *Provided*, That all proxies shall be dated within sixty days of the election at which the same shall be presented. Proviso

SECTION 6. The aforesaid commissioners or a majority of them, shall as soon as practicable after the said letters patent shall have been obtained, give at least fifteen days previous public notice in the newspapers hereinbefore mentioned of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing seven directors as Meeting provided for in the preceding sections, and that annually thereafter the said stockholders shall meet on the third Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause such election shall Proviso not be held at the time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election be held, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of any vacancy from death or resignation Vacancy of any director, his place shall be filled by the board of directors.

SECTION 7. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon, four directors shall be a quorum for the trans- Quorum action of business, who in the absence of the president may appoint a president pro tem, the said directors shall appoint a secretary, treasurer, and such engineers and other officers as Officers they may find necessary, shall fix their compensation, and agents &c shall demand and take adequate security for the performance of their respective trusts, they shall have full power to ascer- Powers &c tain the time, manner and proportions in which the stockhol-

ders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of every person failing to pay any instalment so required, to regulate tolls, to make such covenants, contracts and agreements with any person, co-partnership or body politic whatsoever, as the execution and management of the works, and the convenience and interests of the company may require, and in general to superintend and direct all receipts, disbursements and other affairs and proceedings of the company.

Certificates
of stock

SECTION 8. The directors first chosen as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president, countersigned by the treasurer, and sealed with their common seal, subject however, to all payments due, and to grow due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws.

Statement of
affairs

SECTION 9. At each annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the directors, or by stockholders holding one fourth in amount, of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting, but no business shall be transacted at such special meetings, unless a majority in value of the stockholders shall attend in person or by proxy.

Location and
extent of rail
road

SECTION 10. The said company be and they are hereby authorized, as soon as they conveniently can, to locate and construct a rail road of one or more tracts from Raush Gap, in Lower Mahantongo township, Schuylkill county, by the shortest and best route to a convenient point, on and connecting with the Wiconisco canal, at or near the town of Millersburg, in Dauphin county, and to make, construct and erect such toll houses, water stations, car and engine houses, and all other works and appendages necessary for the convenience of said company in the use of the said rail road.

Power to en-
ter on lands
&c

SECTION 11. It shall and may be lawful for the said company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying and locating the route of the said rail road, doing thereto no unnecessary damage, and when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of and use such land for the pur-

pose of constructing said road, or of obtaining materials therefor, previously making compensation to the owners of said lands or giving adequate security therefor.

SECTION 12. If the said company and the owners of any land through which said rail road shall pass, or from which any materials for the construction of said road, and other works connected therewith, shall be taken and not agreed upon the price, or compensation to be paid by said company, for such land or materials taken and used, or the damages done thereto; it shall and may be lawful for either party to apply to the court of common pleas, for the county in which said lands shall lie by petition, stating the facts in relation thereto, and thereupon it shall be the duty of said court, to appoint three disinterested persons of the proper county, or of any county adjoining, none of whom shall be residents of any of the townships through which said rail road shall pass, and to fix a time not less than twenty nor more than thirty days thereafter for said viewers to meet upon the premises where the damages are alleged to be sustained, of which time and place ten days notice shall be given by the party petitioning to said viewers, and to the other party, and the said viewers or a majority of them when so met, shall be first sworn or affirmed justly and equitably to assess the damages if any, which may have been, or are likely to be sustained by the owner or owners of such land, and shall then view the premises and justly and equitably assess and estimate the damages which may have been sustained, or likely to be sustained by the owners of such land through which the said rail road shall pass, or from which any materials for the said rail road or works connected therewith, shall have been taken or are proposed to be taken into view, and deducting from the damages the value of the advantages and benefits which will be likely to accrue to the owners of said land, from the said rail road or works connected therewith, and to make out a report of their assessments of damages signed by a majority of the said viewers, and return the same to the court appointing them at the next term thereof, which report being confirmed by the said court shall be considered a judgment of the said court, and collected in like manner as other judgments of the same court are collected with the costs of the court, and two dollars per day for each of said viewers, for the time necessarily employed in performing the duties hereinbefore prescribed: *Provided*, That if the proper officer of the said company at any time before application made by either party, for the appointment of viewers in the manner hereinbefore directed, shall tender to the owner of said land a sum of money, in full compensation for his said damages, said company shall not be liable for costs, on any subsequent proceeding, unless such owner of land shall receive a larger sum than the previous tender of said company.

Proceedings
in case parties
cannot agree for
damages &c.

Revised

Passages
across R R

Proviso

SECTION 13. It shall be the duty of the said company to construct and keep in repair, good and sufficient passages across the said rail road, where any public roads shall intersect and cross the same, so that the passage of carriages, horses, persons and cattle along the said road shall not be obstructed, and also when the said rail road shall intersect any farm to provide and keep in repair a suitable passage for the use of said farm: *Provided*, That the owners of land through which said rail road passes, shall not be prevented from constructing crossing places over said rail road, but to be such as are usually made by the company.

Directors to
prescribe reg-
ulations for
road

Proviso

SECTION 14. On the completion of the said rail road, the same shall be esteemed a public highway for the conveyance of passengers, and transportation of merchandize and commodities, under such regulations as shall be prescribed by the directors, and it shall and may be lawful for the said company, to demand and receive such sum or sums of money for tolls of persons and property as they shall from time to time think reasonable: *Provided*, That the tolls on this rail road shall at no time exceed treble the rate of tolls charged on the Pennsylvania Canal between Duncan's Island and Columbia, nor shall the charges for motive power at any time exceed the rate so as aforesaid to be charged for tolls.

Penalty for
evading tolls

SECTION 15. If any owner or driver of any car, carriage, wagon or conveyance upon the said rail road, shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in the like manner and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered together with costs of suit.

Dividends

SECTION 16. Dividends of so much of the profits of the company, as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders or their legal representatives, on demand at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired, and if the said directors shall make any dividends which shall impair the capital stock of the said company, those of them consenting thereto, shall be liable in their individual capacities to the said company, for the amount of stock so divided, and each director present, when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public

notice thereof to the stockholders at the declaring such dividend.

SECTION 17. No suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred ^{Suits} under this act, unless such suit or action shall be commenced within one year next, after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

SECTION 18. If any person or persons shall wilfully and knowingly break, injure or destroy the rail road, or any part thereof, or any work, edifice or device, or any part thereof, to ^{Penalty for} be erected by the said company in pursuance of this act, or ^{injury} shall in any manner obstruct the free passage along the said railroad, he, she or they shall forfeit and pay to the company three times the actual damage thereby sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt in the name and for the use of the company, and shall also be subject to indictment in the court of quarter sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the said court.

SECTION 19. If any person or persons shall wilfully and maliciously burn, break, cut, throw down or destroy the whole ^{Penalty for} or any part of any water-station, locomotive engine, stationary engine, engine-house, or other building, machinery, rope, ^{breaking or} sheeve, sill, cross-tie, wooden or iron rail, chain, bolt, wedge, ^{injuring} switch, turning platform, block, wall, bridge, culvert, drain or ^{works} bank, belonging to the Bear Mountain railroad company, or used by the said company on or about the said railroad, or any part thereof, or stop up or obstruct the said railroad, or any part thereof, or any engine, machinery, rope, sheeve, switch, turning-platform, culvert, drain, conduit-pipe, water-station or well belonging to the said company, such person or persons shall, for every such offence, pay all the damage arising from such burning, breaking, cutting, throwing down, stopping or destroying, and shall likewise, on conviction thereof before the court of quarter sessions of the proper county, be sentenced to imprisonment at hard labor for a term not exceeding two years, in the jail of the proper county, or in one of the penitentiaries of the state, at the discretion of the court before whom the conviction may be had.

SECTION 20. If any person shall wantonly open or shut ^{Penalty for} or cause to be opened or shut any part of a locomotive engine, ^{injuring} stationary engine, switch, turning-platform, or machinery ^{works}

upon or belonging to the said railroad, or put such engine, machinery or rope in motion, or shall kindle a fire for such purpose, or shall drive any nails, spikes, pins or wedges into any part of the said railroad, or into any engine, machinery, switch, turning-platform or fixtures thereof, or shall take any other means to prevent the perfect and free use of the same, or shall wantonly or maliciously break, throw down or destroy any fence, wall or timber work on or about the said railroad, or any bridge or place made for crossing the same, such person or persons shall, for every offence, forfeit any sum not exceeding two hundred dollars, and pay all damages consequent upon such offence, and shall likewise, on conviction thereof before the court of quarter sessions of the proper county, be sentenced to imprisonment in the jail of the county where such offence may be committed, at the discretion of the court before whom a conviction shall be had, for a term not exceeding six calendar months.

Penalty for
driving over
road

SECTION 21. If any person shall wilfully lead or drive, or cause to be lead or driven, any horse, ox, ass or mule hauling any stone or timber, or hauling any sled, wagon, cart, dray, or any other thing whatsoever, except railroad cars along or over the said railroad, or over any bank, wall, side-way, turning-platform, or fixture thereof, except at a bridge or place constructed for crossing the said railroad, or if any person shall wilfully obstruct the perfect and free use of the said railroad by placing any timber, stone, earth, or any other thing whatever on it, or on any side-way or fixture belonging to the said railroad, such person shall forfeit and pay, for every such offence, any sum not exceeding one hundred dollars, and pay all damages consequent upon such offence, and in case such forfeiture and damages shall not be paid forthwith, such person shall be imprisoned in the jail of the county where such offence may be committed, for a term not exceeding thirty days, at the discretion and upon the warrant of the court before whom such conviction shall be had.

Penalty for
driving cattle
across road

SECTION 22. Every person who shall wilfully ride, lead or drive any horse, ass or mule, or who shall wilfully lead or drive any sheep, swine, or other cattle upon the said railroad, or upon any of the banks or side-ways of the same, except for the purpose of hauling railroad cars thereon, or for the purpose of conveying articles to or from the sides of the said railroad, to be transported thereon, or delivering at their place of destination, shall forfeit and pay for each offence a sum not exceeding twenty-five dollars, and pay all damages consequent upon such offence over and above the said forfeiture, and in case of default in the immediate payment of each forfeiture and damages upon conviction, such person shall be imprisoned in the jail of the county where such offence may be committed,

for a term not exceeding fourteen days, at the discretion of the court before whom such conviction shall be had.

SECTION 23. No person shall construct any building, wharf, platform, switch, side-way, lateral railroad, or crossing place, or make and apply any device whatever on the ground set apart for, or belonging to, or forming any part of the said railroad, or on the banks or excavations thereof, without first obtaining permission therefor from the president and directors of the said company, and if any person shall offend against this section by commencing or making any such construction, or apply such device without such permission, or shall not conform to the directions of the president and directors of the said company, or their authorized agents, in respect to the location and size of such buildings, wharf or platform, switch or side-way, lateral railroad, crossing place or device as aforesaid, such person shall forfeit, for such offence, a sum not exceeding one thousand dollars, and the president and directors of the said company, or any engineer, superintendent, or other agent shall be authorized, at the expense of the person thus attempting to remove and destroy every such building, wharf, platform, switch, side-way, lateral railroad, crossing place or device as aforesaid.

Permission
of co to be
obtained be-
fore making
improvem'ts
on road

SECTION 24. The president and directors of the said railroad company shall have power, from time to time, to make such rules and regulations, not inconsistent with the laws of this state, in respect to the form, size and structure of locomotive engines, tenders and cars used on the said railroad, the weighing and inspection of engines, tenders and cars and their landing, the collection of tolls authorized by this act, and by the act to which this is a supplement, and in respect to all matters connected with the use and preservation of the said railroad, and impose such fines and penalties for the breach of such rules and regulations as they may think reasonable: *Provided*, That no fine or penalty so imposed shall, for a single offence, exceed the sum of twenty-five dollars.

Rules &c

SECTION 25. All penalties and forfeitures created by this act, or by the rules and regulations which may be established in conformity with the ninth section thereof, shall be for the use of the Bear Mountain railroad company, and shall be sued for and recovered in the name and for the use of the said company, as debts of equal amount are by law recoverable, or in cases of offences against the seventh and eighth sections of this act, or against the rules and regulations which may be established in conformity with the ninth section thereof, by summary conviction before a justice of the peace of the county where the offence was committed, or where the defendant may be found, who shall have power, in all cases where the

Penalties &
forfeitures

said penalties and forfeitures are made discretionary, to fix the amount thereof, and the amount of such penalties and forfeitures, when recovered, shall be paid to the treasurer of the said company: *Provided*, That if any person or persons shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal, by petition, to the next court of quarter sessions, on entering into a recognizance with one or more sufficient sureties, in a reasonable amount, conditioned for the appearance of the defendant at the said court to prosecute his appeal, and the said court shall take such order thereon as to them shall appear just and reasonable, and the same shall be conclusive.

Water &
wood stations
&c

SECTION 26. The said company shall not be allowed to hold more than two acres of land, at any one point, for water and wood stations, except at the commencement of said road at Raush Gap, and at the intersection of said road with the Wiconisco canal, at each of which places the directors are hereby authorized to purchase and hold not exceeding twenty acres, for the purposes of landings, coal yards and wharves, for the shipping, unshipping, loading and unloading coal, or transferring it from the cars to the boats, or for car houses, machine shops, &c. But the said company shall not rent the same, or charge for the use thereof, at a rate which shall exceed eight per centum on the entire costs of said land, with the improvements and repairs thereof.

Time for
commencement
& completion
limited

SECTION 27. If the said company shall not commence the construction of said railroad within the term of three years from the passage of this act, or within one year after the Wiconisco canal shall be completed from the dam at Duncan's Island to the mouth of the Wiconisco creek, or if the said company shall not complete their rail road within the term of three years after its actual commencement, or if, after the completion of said railroad, said corporation shall suffer the same to go to decay and be impassable for loaded cars for the term of one year, then this charter shall be null and void, except so far as compels said company to make reparation for damages.

Robert Ken-
nedy's heirs

SECTION 28. That Edward Siter, Joshua Evans and Dr. William Harris, who were created attorneys in fact of the heirs of Robert Kennedy, late of Chester county, deceased, by letters of attorney dated the thirteenth day of May, A. D. one thousand eight hundred and thirty-three, and entered in the recorder's office of Chester county, among the records thereof, in deed book volume 13, pages 448 and 49, and the survivors or survivor of them shall have power and authority to sell, either for cash or on credit, and convey to the purchasers and their heirs, in fee simple, the whole or any part of the real estate of which the said Robert Kennedy died seized or

Sale of lands
&c

possessed, situate in any county within the state of Pennsylvania, whatsoever might have been his title, legal or equitable, which he or his heirs claimed, and to make and execute all such deeds or assurances, in law, as shall be needful or necessary for the absolute assuring and conveying the whole title to each and all the heirs of said Robert Kennedy, deceased, of or into any lands situate in this state, and to have full power to consummate any contract that has been entered into by said attorneys touching the sale of the same: *Provided*, That the said attorneys in fact shall duly account with said heirs or their guardians for the amount of said sales, and for that purpose shall enter into recognizance with security to be approved of by the orphans' court of Chester county.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

JOHN STROHM,
Speaker of the Senate.

APPROVED—The thirteenth day of July, one thousand eight hundred and forty-two.

DAVID R. PORTER.

[No. 115.]

AN ACT

To authorize the Trustee of Williamina E. McElwee to pay to her so much of the principal of a certain Trust Estate as may be necessary for the support of the said Williamina, and for the maintenance and education of her children, 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 Leonard Kimball, acting trustee of Williamina E. McElwee, under the last will and testament of her father, Charles Smith, be and is hereby authorized and empowered, from time to time, by and with the approbation of the court of common pleas of Philadelphia county, to pay over to the said Williamina E. McElwee so much of the principal of said trust estate as in the opinion of said court, under

W E McEl-
wee