

line to the line between Bedminister and Rockhill townships, and down said line to said corner stone in Maugle's land and place of beginning, and shall hold their general elections at the public house of Jacob Worman, in said East Rockhill, and all laws heretofore passed in relation to the boundary lines of East Rockhill, be and the same are hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 145.]

A SUPPLEMENT

To an act, entitled an act to incorporate a Turnpike Road company, passed fourteenth February, eighteen hundred and thirty-eight, 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 when, and so often as the President and Managers of the Doylestown and Willow Grove turnpike road company, shall have completed any one mile or more of the said road, they may proceed to have the same inspected and licensed for taking toll thereon, in the same manner, and with the like restrictions and privileges as is provided in the tenth section of the act to which this is a supplement.

SECTION 2. That the said president and managers and company shall be, and they are hereby authorized to borrow for the purposes of the company, any sum not exceeding fifteen thousand dollars, and for the purpose of securing the payment of the same to the lender or lenders, may issue certificates of loan, in sums not less than twenty-five dollars each, to be signed by the said president and treasurer, and sealed with the seal of the corporation, to be payable at such time, and upon such terms as may be agreed upon between the parties; and

Doylestown
and Willow
Grove turn-
pike R. com.
may receive
toll as often as
one mile or
more is finish-
ed.

Company
may borrow
limited sum.
Certificates.

in order to secure to the lenders, their executors, administrators or assigns, the amount of the said certificates as they shall become due and payable by the said president, managers and company, are hereby authorized and empowered to make and execute to a trustee or trustees, to be appointed by the president, managers and company, a mortgage in the manner hereinafter provided for of the whole of the said turnpike road, as the same shall be at the time of the mortgage executed, or at any time thereafter, and of all the stock, rights, and privileges of the said president, managers and company; and if all and each of the stockholders thereof, and in case it shall happen that any certificate of loan aforesaid shall remain unpaid, for thirty days after the time appointed for the payment of the same, then it shall be lawful for any holder of such certificate to sue out a scire facias on the mortgage aforesaid, and proceed to obtain judgment thereon, and the judgment so obtained shall stand as a security for all such certificates as shall then remain unpaid; and the holder of any certificate may proceed and issue a levari facias and sell the said road, and all the rights, stock and privileges of the said president, managers and company therein, and all the stock, rights, and privileges of the stockholders of the said company, and a sale under such levari facias shall vest absolutely in the purchaser the whole rights, privileges and stock of the company, and of the stockholders therein, as effectually as real estate is vested in a purchaser when sold on a mortgage, and the said sale shall wholly divest the said president, managers and company, and each and every stockholder of all corporate powers, right, title, interest, estate, privilege or stock in the said company, and all corporate powers, right, title, interest, estate, privilege or stock, as well of the said president, managers and company, as that of each and every stockholder, shall be vested in the purchaser or purchasers thereof; and from thenceforth all the provisions of the act of incorporation of the said company, with corporation powers conferred, and of the several laws of this commonwealth in relation to turnpike roads, shall be for the benefit and government of the said purchaser or purchasers, in like manner as if they were the original corporators; and if at any time the interest agreed to be paid shall remain unpaid for thirty days after the time appointed for the payment thereof, the court of Common Pleas of Bucks county shall, on the application of a holder of a certificate to whom interest is due, that all the tolls received upon the said road to be paid to a receiver, appointed by the said court, until sufficient toll is collected to pay such interest, and shall enforce such order against all and every receiver of tolls, if necessary, by attachment, shall direct the interest aforesaid to be paid out by such receiver to those entitled to receive it, and all the proceedings to affect these purposes shall be in such form as the

Mortgage to trustees.

Sci. fa.

Levari fa. to sell road.

Vested in purchasers.

Unpaid interest.

Tolls applied to interest.

court aforesaid may direct: *Provided*, That before proceeding to obtain the loan aforesaid, the said president, managers and company shall, by resolution of the board, determine precisely the amount of the loan to be made, which shall not be exceeded, and thereupon they shall execute to the trustee aforesaid the mortgage aforesaid, conditioned as aforesaid, which shall be for the use of all and every the holders of the certificates of loan in manner as aforesaid; and then the said president, managers and company may, from time to time as they may deem best, borrow any portion of the said amount, for which they shall issue certificates of loans as aforesaid: *And provided*, That for all fractional parts of tolls, not equal to any denomination of coins in circulation, the said company may take the next highest circulating denomination.

SECTION 3. That all the interest of the commonwealth in the stock of the said president and managers of the Doylestown and Willow Grove turnpike road company, be and the same is hereby released and transferred to the said company.

SECTION 4. That the executors or administrators of any decedent, whose real estate may have been or hereafter may be sold for taxes, during the life time of such decedent, in pursuance of the several laws of this commonwealth, and a bond or bonds given by the purchaser for the surplus monies arising from such sale, may proceed to recover and collect the same, as fully and in the same manner as the decedent if living could collect the same, and the monies when collected, after deducting therefrom the expenses of collecting, shall be assets in the hands of said executors or administrators, in the same manner to all intents and purposes as though the same had been collected on a bond due the decedent; but it shall be in the power of the court, in which the same is about to be collected, on application by any heir or heirs, creditors or devisees of such decedent, to make an order to suspend or prevent the collection of said monies, when in the opinion of said court such collection may operate injuriously on the interests of said heirs, creditors or devisees.

SECTION 5. When any person has or shall die seized of unseated land, leaving debts due at the time of his death, which are or shall become liens on his real estate, and said land is now or shall be sold for taxes, and bonds given for the surplus money pursuant to law, it shall be lawful for the executors or administrators of such decedent to collect said bonds, as fully and effectually as though the land had been sold during the life time of such decedent, and the monies when so collected, after deducting out the expenses of such collection, shall be paid into the court of Common Pleas when such bond is filed, and distributed by order thereof, in the same manner as monies arising from a sale by the sheriff of said property

Bonds for lands sold for taxes recoverable by ex'rs. or adm'r's.

Power of court on application of heirs to suspend collect'n.

Ex'r & adm'r may collect bonds given for lands sold for taxes.

Court to direct distribution.

on such lien would have been distributed, and the like remedy by appeal shall be given as in case of sheriff's sales.

Persons having liens on lands sold for taxes may redeem.

SECTION 6. When any lands have been or shall be sold for taxes, on which any person has a lien or other equitable interest, it shall be lawful for such person or persons, his heirs, assigns or other legal representatives, to redeem the same from the effects of such sale, as fully as the owner at the time of the sale might or could do, and when the time of redemption has or shall expire before the same is effected, it shall be lawful for such person or persons, his or their heirs, assigns or other legal representatives, to proceed in the manner prescribed by law to collect the amount of the surplus land, as fully as the owner of the land at the time of the sale might or could do; but the moneys when collected shall be paid into the court, when such bond is filed and distributed by decree of said court, in the same manner that the monies arising from a sale of said land by the sheriff would be by law distributed, and such decree of distribution shall be subject to like appeal as decrees for distribution of moneys arising from sheriff's sales are, or may be by law subject.

Receipt of treasurer for redemption money of lands sold for taxes to be given to proth'y to be entered.

SECTION 7. It shall be lawful for any person who has or hereafter shall redeem any land sold for taxes, to give the receipt of the treasurer for such redemption money to the prothonotary of the proper county, when such sale is entered, who is hereby required to enter such receipt at length in a book to be kept by him for that purpose, and mark on the margin of the entry of the deed of such tract of land the word redeemed, and note the page of the book where such receipt is entered, for which service he shall be entitled to a fee of twenty five cents for each tract and no more, and on such entry being completed, such receipt shall be returned to the owner; but when the hand writing of the treasurer is not known to the prothonotary, he shall not enter the same till the person producing such receipt shall cause probate to be made thereof by some person acquainted therewith, before some judge, alderman, or justice of the peace of this commonwealth, and said probate shall be recorded with said receipt, and the recording of any receipt entered, as required by this act, shall be as good evidence in any court of record or elsewhere, as the original might or could be: *Provided*, That nothing in this act shall be construed to require the person redeeming, or who has redeemed lands to procure such receipts to be entered, nor shall the title be in any way effected by default thereof: *Provided*, That this act shall not be construed so as to effect the rights of any person or persons acquired under the existing laws.

Probate of receipt.

Proviso.

3d Proviso.

Duties of sheriff on levy of unseated

SECTION 8. That in cases of levy by the sheriff, upon unseated lands belonging to defendants who do not reside in the county where said land lies, it shall not be necessary for the

sheriff to fix the notice or advertisement of the day and hour when owner of sale, upon the premises levied on, nor give said defendant a live out of the copy of said notice, but it shall be sufficient notice if the other county. requisites of the sixty-second section of the act of 16th June, 1836, entitled "an act relating to executions," are complied with.

SECTION 9. That John Fisher and William Hamilton of Commission-Mercer county, and John Cooper of Butler county, be and ers to lay out they are hereby appointed commissioners to view and lay out road from a state road from Centreville, Butler county, and thence via Centreville to East Brook, to Henry Pearson's mill in Mercer county, by Pearson's mill the nearest and best route.

SECTION 10. That it shall be the duty of said commission-Duties of com-ers respectively, or a majority of them, after taking and sub-missioners. scribing an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with im- To view, &c. partiality and fidelity; to carefully view the ground over which said road may pass, and to lay out the same as near to a straight line between the aforesaid points, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, when by a moderate filling or bridging the declination of the said road it may be preserved within that limit.

SECTION 11. That it shall be the duty of said commission-ers respectively, plainly and distinctly to mark the ground Mark. on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners respectively are hereby authorized to employ one surveyor, at a per diem allowance not exceeding two Surveyor and dollars, and two chain carriers at a per diem allowance not chain carriers exceeding one dollar and twenty-five cents, and the said com- compensation missioners respectively, shall receive a per diem allowance not exceeding two dollars for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

SECTION 12. That it shall be the duty of said commission-ers to make out a fair and accurate draft of the location of said Draft. road, noting thereon the courses and distances as they occur, improvements passed through, and also the crossing of town-Where ships lines, roads and waters, with such other matters as may serve for explanations; one copy whereof shall be deposited Deposited. in the office of Secretary of the Commonwealth, on or before the first of January next, and one copy in the office of the clerk of the court of Mercer County, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be to all intents and purposes, a public highway, and shall be open to the breadth

and repaired, in all respects, as roads are opened and repaired which are laid out by order of the court aforesaid.

Accounts show
settled.

SECTION 13. That the accounts of the said commissioners for their own pay and the pay of surveyors, chain carriers, &c., shall be made out and returned to the commissioners of Butler and Mercer counties, which shall be paid by orders drawn by the county commissioners on the treasury of their respective counties.

Meeting and
completion.

SECTION 14. That the said commissioners shall meet on or before the first Monday in June next, or as soon thereafter as practicable, and complete the review of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation or otherwise, the court of quarter sessions of Mercer county shall fill said vacancy or vacancies by the appointment of suitable persons who shall perform said duty.

Berwick Hy-
draulic com-
pany,

SECTION 15. That the canal commissioners be and they are hereby authorized and empowered to make a contract, if they think it expedient, with the Berwick Hydraulic company, granting to said company the right to use the water power at the waste wier at the lock at Berwick, or so much thereof as may be necessary to drive forcing pumps to supply the town of Berwick with water: *Provided, however,* That the canal commissioners shall, at any time, have the power to annul any contract that may be made in pursuance hereof, when they think proper, without incurring any liability to damages therefor to said company.

May use water
from canal.

East & West
state road,
time of com-
pletion limit'd

SECTION 16. That the commissioners appointed by the courts of Quarter Sessions of the counties of M'Kean and Warren to carry into effect the appropriation to the state road, called the East and West Road, leading from Warren by the way of Smethport, Coudersport, and Big Meadows to Wellsborough, be hereby authorized and required to complete the opening and repairing of the said road on or before the fourth day of July, one thousand eight hundred and forty-one, and that the time for the settlement of the accounts of the said commissioners be hereby extended to that period.

Commission-
ers to lay out
road from
Cooper's gap
to house of
John Barr.

SECTION 17. That William Reed, Robert Milliken, of Mifflin county, and Hugh Givin, of Huntingdon county, be and are hereby appointed commissioners to review and lay out a state road, beginning at the road at Cooper's Gap in Mifflin county, thence by the nearest and best route through the Seven mountains, to intersect the public road leading from Greenwood furnace to Pinegrove, at or near the house of John Barr, in Huntingdon county.

Duty of com-
missioners to
view.

SECTION 18. It shall be the duty of the said commissioners, or a majority of them, appointed to view, as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with im-

partiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at crossing ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit; and further, it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground, and damages to private property, and all other circumstances that may effect the route, so that by a judicious combination of them the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same: and for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each for every day they shall be necessarily employed in performing the duties of this act, and in case any of the said commissioners shall perform the duties of surveyor he shall receive fifty cents per day in addition, and the said commissioners are hereby authorized to employ one surveyor at two dollars per diem, two chain bearers, and one axeman at a per diem allowance not exceeding seventy-five cents.

Mark, &c.

Compensat'n.

Surveyor, &c.

Compensat'n.

SECTION 19. It shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth on or before the first day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of courts aforesaid; and the damages sustained by the owners of private property assessed and paid in the same manner.

Draft where deposited.

Accounts how paid.

SECTION 20. The accounts of the said commissioners for their own pay, and for the pay of surveyors, chain-carriers and markers, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurers thereof on warrants drawn in the usual way, in proportion to the length of road in such county respectively.

Meeting and
completion.

SECTION 21. The said commissioners shall meet on or before the first Monday in June next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or any other cause, the court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Preamble.

SECTION 22. WHEREAS the stockholders of the Morgantown Churchtown and Blue Ball Turnpike-Road Company, and other citizens of the counties of Lancaster and Berks, have represented to the legislature that the aforesaid road has for want of repairs thereon been thrown open according to law, and as they have prayed that the same may be declared a public highway, and be kept in repair in like manner as other public roads in this state are kept:

Morgantown,
Churchtown
and Blue Ball
turnpike road
declared a
public high-
way.

That the Morgantown, Churchtown and Blue Ball Turnpike Road, in the counties of Lancaster and Berks, be and the same is hereby declared to be a public highway, and that the same shall from and after the passage of this act be kept in repair and clear of all impediments, to easy and convenient passing and travelling, at the expense of the respective townships through which it passes, in like manner as other public roads are now kept in repair as the law directs; *Provided*, That in the event of a bridge being required over any creek or rivulet on said road, which will require more expense than it would be reasonable for one or two adjoining townships to bear, the same proceeding shall be thereupon had as is provided by the general laws of this commonwealth, regulating roads, highways and bridges; *And provided, further*, That the consent of said company to the provisions hereof be first obtained, and a writing to that effect filed in the court of Quarter Sessions of said county.

Proviso.

Bridges how
built.

WM. HOPKINS,
Speaker of the House of Representatives.
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.