

and the said guardian shall apply the monies arising from the sale aforesaid, to the purchase of such other property as may appear best calculated to promote the interests of the said minor: Provided, that previous to selling the land as aforesaid, the said James M'Comb shall enter into bonds with sufficient surety, to be approved of by the orphans court of Westmoreland county, for the faithful performance of his duty in the premises.

Approved January 27, 1806. Recorded in L. B. No. 10, p. 214.

CHAPTER MMDCXXXIX.

AN ACT FOR RAISING BY WAY OF LOTTERY, THE SUM OF TWENTY THOUSAND DOLLARS, FOR THE PURPOSE OF DISCHARGING THE DEBTS OF THE BUSTLETON AND SMITHFIELD TURNPIKE COMPANY.

Whereas by the act incorporating the Bustleton and Smithfield Turnpike Company, it was contemplated, that sixty thousand dollars would be necessary to complete the first section of their road, and the number of shares subscribed amounting only to fifty-two thousand seven hundred dollars, the company found themselves considerably in debt at the completion of said section: And whereas the said company, from the nature of their road, and the circumstance of having a number of bridges to build, were subject to an expense of levelling and building, which other turnpike roads near the city were free from, by having their bridges previously built; in addition to which expense the company sustained a heavy loss, by the fall of one of their bridges, consisting of three arches of thirty-five feet each, which being unable to finish till late in the season, from the early setting in, and unusual severity of the winter, fell down at the breaking up of the frost in the spring; by which misfortune they were obliged to throw open their gates, and by the consequent reduction of their stock were prevented from raising money in the ordinary way (by the sale of shares), usually resorted to: And whereas the revival of their toll and future prospects depending upon the immediate rebuilding of

said bridge, the company were under the necessity of borrowing a sum of money on loan certificates, equal to twenty-five per centum, upon their subscriptions; which being inadequate to accomplish the rebuilding of the bridge, and to discharge their debts, and the said road being pledged for the payment of the interest and redemption of said certificates in five years, which the company from their own resources will never be able to discharge, have therefore petitioned that a law may be passed, authorizing them to raise twenty thousand dollars by way of lottery, to extricate them from their difficulties: And whereas it appears from the aforementioned circumstances that the good intentions of the legislature, incorporating the said company, would be frustrated, and the hopes of the company to remunerate themselves for their expenses be forever cut off, and the said road would be liable to be seized and sold for the payment of the company's debts without such aid; and it appearing just and reasonable that the prayer of said petition should be granted:

Section I. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Henry Pratt, Stephen Girard, Moore Wharton, Isaac Worrell, Francis Murray, Jacob Sommer, Joseph Hart, Augustine Willett, Richard Leedom, Jonathan Wynkoop, Joshua Jones and Thomas Biddle, or a majority of them, be, and they are hereby appointed commissioners to raise by way of lottery, the sum of twenty thousand dollars, to be applied by the said commissioners to the purpose of discharging the debts of the said company.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners previously to selling any tickets in said lottery, shall lay the scheme or schemes thereof before the governor for his approbation; and shall enter into bond or bonds to the governor, for the due and faithful performance of the several duties imposed by this act.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That each of the said commission-

ers shall previously to entering upon the duties of his office, take and subscribe an oath or affirmation, diligently and faithfully to perform the duties entrusted to him; at least, two of them shall attend at the drawing of each day; and when the whole is completed, shall cause an accurate list of the fortunate numbers in the said lottery, to be published in at least two of the newspapers of the city of Philadelphia.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the commissioners be, and they are hereby authorized to settle and adjust all accounts, which may be exhibited by any person or persons legally employed in carrying this act into effect.

Section V. (Section V, P. L.) And be it further enacted by the authority aforesaid, That all prizes not demanded within twelve months after publication, as aforesaid, shall be considered as relinquished for the benefit of the company.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That whenever the legislature, after the year one thousand eight hundred and twenty-one, shall think proper to take possession of the said road, the net proceeds of the money raised by the hereby granted lottery, shall in the valuation thereof go to the credit of the state, and be considered as a part of the purchase money.

Approved February 3, 1806. Recorded in L. B. No. 10, p. 215.

CHAPTER MMDCXL.

AN ACT FOR THE RELIEF OF CATHARINE TOEY.

Whereas it appears to the legislature, that Simon Toey, formerly an inhabitant in that part of Lancaster county, which now composes Dauphin County, served a tour of duty in the militia, in the year one thousand seven hundred and seventy-six, that he was afterwards drafted into the Flying Camp, and served as a non-commissioned officer, and while in the service of his country was taken prisoner by the British at Fort Washington, and forced on board a prison ship, where