

Empty coal cars. fee or reward ; and that the said company shall not be authorized to charge toll on empty coal cars returning from the landings to the mines ; and that the turnouts for such lateral roads shall be so constructed and kept so as not to interfere with the use of the main road or roads, and all cars or wagons run upon the same shall be subject to such general rules and regulations as may be prescribed by the company, and be intended to keep the track of said road or roads free and open, for the uninterrupted passage of the cars of every person desiring to travel thereon.

Continuance of act. SECTION 26. This act shall continue and be in force until the first day of May, in the year of our Lord one thousand eight hundred and seventy : *Provided*, That it shall be lawful for the legislature, at any time, to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted, upon failure of the corporators to comply with any or every part of this act.

Proviso.

LEWIS DEWART,
Speaker of the House of Representatives.
CHARLES B. PENROSE,
Speaker of the Senate.

We do hereby certify, that the bill entitled, "An act to incorporate the Washington Coal company, and for other purposes," was presented to the Governor on Tuesday the third day of April, one thousand eight hundred and thirty-eight, and was not returned within ten days (Sundays excepted) after it had been presented to him ; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

FR. R. SHUNK,
Cl'k H. R.
GEO. W. HAMERSLY,
Cl'k of the Senate.

Harrisburg, April 16, 1838.

No. 74.

An Act

To provide for the Repairs, and to continue the Improvements of the State, 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 following sums are hereby specifically appropriated for the purposes hereinafter mentioned, to wit: To avoid the inclined plane at Columbia, fifty thousand dollars: For the repairs of feeder dams the sum of fifty-one thousand dollars: For additional locks on the Eastern Division of the Pennsylvania Canal and deepening the canal below Duncan's Island, nineteen thousand dollars: For damages thirty thousand dollars: For ordinary repairs one hundred and eighty thousand dollars: For ropes, tools, lot and building at Parksburg, filling ravine at Mauls, and mechanical implements, twenty thousand dollars: For balance of price of locomotive engines five hundred and fifty-nine dollars seventy-seven cents: To pay claims, referred to the board of Canal Commissioners by the legislature ten thousand dollars: To pay claims adjusted by the board of Canal Commissioners for expenses incident to the survey of the West Philadelphia Railroad, made by Henry R. Campbell, engineer, to avoid the inclined plane on the Philadelphia and Columbia Railway at the river Schuylkill, twenty-two hundred and eighty-eight dollars and forty-one cents: That the Canal Commissioners be authorized and required to make such repairs as may be necessary for the preservation of the dams and locks on the Beaver Division of the Pennsylvania Canal, on the French Creek Feeder, and on the French Creek Division of the Pennsylvania Canal, the expenses thereof to be paid out of any money in the treasury not otherwise appropriated: The sum of five thousand dollars is hereby appropriated to complete the arch of the Grant's Hill Tunnel, from the southern termination to the Fourth street bridge, and towards filling up the same, according to the act of the eleventh of March, Anno Domini eighteen hundred and thirty-five.

SECTION 2. That the sum of three hundred thousand dollars be appropriated to the Erie extension of the Pennsylvania Canal, two-thirds thereof to the work already under contract, and the other third thereof to the most difficult portions of the work between the harbor of Erie and the termination of the work now under contract, and the Canal Commissioners are directed, immediately after the passage of this act, to locate that part of the route not yet located, and to put under contract, not more than thirty miles, between the points aforesaid, during the present year: The sum of three hundred thousand dollars to the North Branch Canal, two thirds thereof to be applied to work already under contract, and the balance to the most difficult portions of the work between that now under contract

Appropriations to State works, &c. viz: To avoid the inclined plane at Columbia; feeder dams; locks on Eastern division. Damages. Ordinary repairs. Ropes, &c. Balance on locomotives.

Claims.

Claims incident to survey, &c.

Repairs to Beaver Division.

French c'k. feeder, &c.

Grant's Hill tunnel.

To the Erie extension.

To the N. Branch Canal.

- To the Gettysburg extension of the Pennsylvania Railway one hundred and ninety-five thousand dollars, to be applied to the work already under contract ; and to put under contract not more than eight miles from that now under contract towards
- To new work. **Waynesburg,** ten thousand dollars: *Provided,* That upon full examination, the Canal Commissioners shall deem that the most advantageous route : To finish the work on the Tangascootac Extension of the West Branch Canal the sum of twenty-four thousand dollars, and the Canal Commissioners
- To Tangascootac ext'n. **Sinnema-** are hereby directed to locate and put under contract a canal honing ext'n or slackwater navigation, from the termination of the Tangascootac Extension to the mouth of the Sinnemahoning, towards which the sum of one hundred thousand dollars is hereby appropriated : The Canal Commissioners are hereby required to locate and put under contract a navigable feeder on the west side of the Allegheny river, from a point opposite or nearly opposite Kittanning, to the Pennsylvania Canal, the work to be so constructed as not to obstruct the ascending or descending navigation of the Allegheny river, towards which the sum of thirty thousand dollars is hereby appropriated: For a water communication from Petersburg, in Huntingdon county, to the Pennsylvania Canal, five thousand dollars is hereby appropriated: The Canal Commissioners are hereby required to locate and put under contract a canal or navigable feeder, from the termination of the slackwater of Clark's Ferry dam to the mouth of Wiconisco creek, towards which the sum of twenty thousand dollars is hereby appropriated : Towards the construction of an outlet lock, hereby appropriated : Towards the construction of an outlet lock at Duncan's Island the sum of ten thousand dollars:
- To the Allegheny feeder opposite Kittanning.
- To water communication from Petersburg.
- To Wiconisco feeder.
- Outlet lock, Duncan's Is.
- Subscription to Danville & Pottsville Railroad.
- Location of line from Pottsville to Port Clinton.
- To the Manongahela Nav. Co.
- Codorus Nav. Co.
- Road from Johnstown to Sutton's dam.
- The Governor is hereby authorized and required to subscribe stock to the amount of fifty thousand dollars to the stock of the Danville and Pottsville Railroad company, to be expended in making the necessary improvements upon the west section of said road, and in the further extension of said road eastwardly from its present point of completion, twenty and a half miles from Sunbury, and that the line of the railroad from Pottsville to Port Clinton shall be located through or near the borough of Orwigsburg, unless the ground shall on examination be found unfavorable therefor :
- To the stock of the Manongahela Navigation company twenty-five thousand dollars: To the stock of the Codorus Navigation company twenty thousand dollars: The Canal Commissioners are hereby directed to have constructed, during the present year, a good road along or near the towing path of the canal, from the borough of Johnstown to the guard lock

at Sutton's dam, with the necessary bridges, culverts &c., and the same shall, as soon as completed; be declared a public highway, for which the sum of four thousand dollars is hereby appropriated, and when so made, the said highway to be under the control of the agents of the Commonwealth; the Canal Commissioners in constructing said road shall commence at the northern line of said borough: That the Governor of this Commonwealth is hereby authorized and required to subscribe, on behalf of the Commonwealth, to the stock of the Cumberland Valley Railroad company, two thousand shares of the capital stock of the said company; to the stock of the Delaware and Schuylkill Canal company fifteen hundred shares; the amount of which said subscriptions shall be paid to the said companies respectively, by the State Treasurer, in the sum of twenty thousand dollars per month to each of said companies, until the whole amount of the said subscriptions be so paid, which said subscriptions shall constitute the commonwealth a stockholder in the said companies respectively; and the Governor of this Commonwealth is hereby further authorized and required to subscribe, on behalf of the commonwealth, to the stock of the Bald Eagle and Spring Creek Navigation company, five hundred shares of the said company, which subscription shall constitute the commonwealth a stockholder in the said navigation company, on an equal footing, as to all the rights and liabilities, with the other subscribers thereto: *Provided*, That the rights of those stockholders to whom the commonwealth has guaranteed an interest on their stock, shall not be thereby impaired: *And provided further*, That the said company shall only draw the said money in such sums as shall be actually necessary to carry on its work, and shall apply the same towards completing that part of the line of said navigation from its present termination, near the Howard Furnace to the town of Milesburg, and to no other purpose whatsoever, nor shall the said company draw more than twenty per cent. on the amount hereby appropriated in any one month: The Canal Commissioners are hereby required to have surveys made, by competent engineers, from the town of Chambersburg to Pittsburg, (for a continuous railroad without inclined planes, or for a Macadamized turnpike and railroad in connection,) over the several passes of the Allegheny within the state, south of the Portage Railroad and Pennsylvania Canal; they are also required to have a survey made of the Raystown branch of the Juniata, for canal, railroad or slack-water navigation, so as to connect the coal and iron region of Bedford county with the public works, and connect with

To the Cumberland Valley R. Road.

To the Delaware and Schuylkill canal.

To the Bald Eagle and Spring creek Nav. Co.

Proviso.

2d Proviso.

To survey from Chambersburg to Pittsburg.

the other surveys above required, for the expense of which the sum of fifteen thousand dollars is hereby specifically appropriated, to be paid, settled and accounted for, in the same manner in which the accounts of engineers and their assistants, in the employ of the state, are now by law settled and adjusted.

Temporary
loan of 200,
000 dollars
authorized.

SECTION 3. If the appropriation to any of the public works under contract shall be expended before another appropriation shall be made by the legislature, the Governor is hereby authorized and empowered to make a temporary loan of two hundred thousand dollars, to be applied to said works in proportion to their necessities, in such manner as the Canal Commissioners shall deem most beneficial to the public interests.

Governor
authorized
to subscribe
stock to cer-
tain turn-
pike compa-
nies.

SECTION 4. The Governor is hereby authorized and required to subscribe stock to the following Turnpike companies, to the following amount: To the Bethany and Dingman's Choice Turnpike Road company six thousand dollars, to be expended between Dingman's ferry, and the Milford and Owego Turnpike Road, the expenditure to commence at Dingman's ferry: To the Lackawaxen Turnpike Road company two thousand four hundred dollars: To the Sterling and Newfoundland Turnpike company one thousand six hundred dollars: To the stock of the Somerset and Cumberland Turnpike Road company eight thousand dollars, to be expended on the unfinished part of said road: To the stock of the Bedford and Hollidaysburg Turnpike Road company eight thousand dollars, to be paid to Samuel Vondersmith, commissioner hereby appointed, one half to be expended next to Bedford, and the balance in Bedford county, next to the Huntingdon county line: To the stock of the Warren and New York State Line Turnpike Road company two thousand dollars: To the stock of the Sugar Grove and Union Turnpike Road company two thousand dollars: To the stock of the Armstrong and Clearfield Turnpike Road company five thousand six hundred dollars: To the stock of the Bald Eagle, Nittanny, Brush and Penn's Valley Turnpike Road company one thousand six hundred dollars: To the stock of the Lewisburg and Jersey Shore Turnpike Road company three thousand two hundred dollars: To the stock of the Washington and Pittsburg Turnpike Road company the sum of ten thousand dollars: To the Doylestown and Willow Grove Turnpike Road company the sum of five thousand dollars: To the stock of the Perkiomen and Reading Turnpike Road company fifteen thousand dollars: To the stock of the Willow Grove and Hartsville Turnpike Road company three thousand two hundred

dollars, which subscription shall constitute the common-Turnpikes. wealth a stockholder therein, equal in privileges with the other stockholders in said companies: To the stock of the Brownington, Harrisville and Franklin Turnpike Road company the sum of four thousand dollars: To the stock of the Legonier and Johnstown Turnpike Road company four thousand dollars, one half to be expended east of the summit of Laurel Hill: To the stock of the Pittsburg Farmers' and Mechanics' Turnpike Road company five thousand six hundred dollars: To the stock of the Huntingdon, Cambria and Indiana Turnpike Road company two thousand dollars, to be expended in repairs on said road: To the Ebensburg and Indiana Turnpike Road company two thousand dollars, to be expended in repairs on said road: To the stock of the Pittsburg and Steubenville Turnpike Road company four thousand dollars: To the stock of the Lenox and Harmony Turnpike Road company two thousand four hundred dollars: To the stock of the Philadelphia and Great Bend Turnpike Road company, to be laid out in repairs, the sum of eight hundred dollars: To the stock of the Titusville and Union Mills Turnpike Road company two thousand four hundred dollars: To the stock of the Bridgewater and Wilkesbarre Turnpike Road company, to be laid out in repairs between Montrose and Tunkhannock, eight hundred dollars: To the stock of the Clifford and Wilkesbarre Turnpike Road company one thousand two hundred dollars, to be laid out in making said road between Coshecton and Great Bend Turnpike Road and the Belmont and Oghquaga Turnpike Road, and the act of assembly chartering said Clifford and Wilkesbarre Turnpike Road company is hereby continued and extended, with all its provisions, for the term of two years from the passage of this act, for the purpose of enabling said Turnpike Road company to complete their road from the Coshecton and Great Bend Turnpike Road to the Belmont and Oghquaga Turnpike Road aforesaid: To the stock of the Carbondale and Lackawanna Turnpike Road company twelve hundred dollars: To the stock of the Somerset and Conemaugh Turnpike Road company four thousand dollars: To the stock of the Downingtown, Ephrata and Harrisburg Turnpike Road company four thousand dollars, to be expended in repairs: To the stock of the Snow Shoe and Packersville Turnpike Road company five thousand dollars: To the stock of the Warren and Ridgeway Turnpike Road company two thousand dollars: To the Birmingham and Elizabethtown Turnpike Road company four thousand dollars, to be expended on the southern end of said road, near the village of West Elizabeth: To the Susquehanna and

Turnpikes. Tioga Turnpike Road, to be laid out in repairs on said road, commencing at Berwick, Columbia county, and expended as the managers of the road may think proper, two thousand four hundred dollars: To the stock of the Luthersburg and Punxatawny Turnpike company four thousand dollars, if incorporated the present session: To the Warren and Franklin Turnpike company four thousand dollars, to be appropriated between Tetteoute creek and the borough of Franklin: To the stock of the Lancaster, New Holland and Blue Ball Turnpike road one thousand six hundred dollars: To the Gap and Newport Turnpike Road company the sum of five thousand six hundred dollars, to be appropriated to the payment of the debts of said company: *Provided*, That the said company, at or before receiving the appropriation aforesaid, shall cease to collect tolls on said road, and shall declare the same a public highway, to be used, kept and repaired as all other public roads and highways within this commonwealth now are: Two thousand four hundred dollars to the York Haven and Harrisburg Bridge Turnpike Road company: To the stock of the Pittsburg and Butler Turnpike Road company four thousand dollars, to be paid into the hands of John Gilchrist, of the borough of Butler, Butler county, and John M'Grew, of the borough of Alleghenytown, Allegheny county, commissioners hereby appointed; said money to be divided in proportion to the length of the road in each county, and the said commissioners are required to expend the same in repairing said road within the present year, and to settle their accounts at the end of the year, with the president and managers of said Turnpike road: To the stock of the Freeport and Butler Turnpike Road company four thousand dollars: That the managers of the Chambersburg and Bedford Turnpike Road company, the Bedford and Stoystown Turnpike Road company, the Bedford and Somerset Turnpike Road company, and each of the Turnpike roads in the counties of Bedford, Somerset and Westmoreland, be, and they are hereby authorized to appropriate to the repairs of the respective roads, all dividends which may hereafter be due to the state, under the fourth section of the act of the general assembly, passed the twenty-seventh day of March, one thousand eight hundred and twenty-four, relative to turnpike and bridge companies, in which the state holds stock, for two years from the passage of this act: *Provided*, That in declaring dividends no individual stockholder shall receive more than six per cent. upon the stock owned by them, respectively, in any one year: *Provided also*, That the managers aforesaid, appropriate the said sums in M'Adamizing so much of their roads as can be done with the money

hereby released, after the two first named companies paying Turnpikes out of the first year's dividends two thousand dollars for the erection of a bridge over the Raystown branch of the Juniata, at the town of Bedford, where the Bedford and Hollidaysburg Turnpike crosses the same; Samuel Vondersmith and Henry Leader, commissioners; To the Mercer and Meadville Turnpike Road company the sum of five thousand six hundred dollars, to be paid into the hands of William Miller of Mercer county, and John M'Farland of Crawford county, commissioners hereby appointed, said money to be divided in proportion to the length of the road in each county, and the said commissioners are required to expend the same in repairing and cutting out said road within the present year, and to settle their accounts at the end of the year, with the president and managers of said Turnpike road, and they are hereby authorized to open the said road to the width of one hundred feet, where they may deem it necessary: *Provided*, That all damages occasioned thereby shall be adjusted and paid in the manner prescribed in the act incorporating said company: To the Butler and Mercer Turnpike Road company the sum of two thousand four hundred dollars, to be paid into the hands of William Thompson of Butler county, and Alexander Black of Mercer county, commissioners hereby appointed; said money to be divided in proportion to the length of the road in each county, and the said commissioners are required to expend the same in repairing said road within the present year, and to settle their accounts at the end of the year, with the president and managers of said Turnpike road.

SECTION 5. The State Treasurer is hereby required to pay to the commissioners hereafter named the following sums, to be appropriated to opening and putting in repair the following State Roads: For the State road leading from the Washington and Williamsport Turnpike road, by the way of Thomas' steam mill to Pittsburg, two thousand four hundred dollars, to be expended between Robert M'Farland's and the turnpike aforesaid; the following persons commissioners, to wit: Jacob Boyer and James Conner of Allegheny county; Elijah Townsend and John Witherow of Washington county; and the dividends due the commonwealth on her stock in the Washington and Williamsport Turnpike, be, and the same are hereby appropriated to the repairs of the said road: For the state road in Wayne county, leading from the house of Jesse Caukin to the Delaware river, at or near the mouth of Caukin's creek, in Damascus township, thence up said river to the north line of the state, at or near its north-eastern corner, on the forty second degree

Appropriations to State Roads and Bridges.

State roads. of north latitude, the sum of four thousand dollars; commissioners to lay out and open the said road, shall be Moses Thomas, George Bush, William H. Dimmick, Jacob Killam, and Warner M. Preston: For the state road from Robert Allen's in Lycoming county, by the way of Trout Run to Blossburg, in Tioga county, the sum of four thousand dollars, one half in each county; commissioners, Philip J. Kohler, Aaron Bloss and John Cochran of Tioga county; John K. Hays, James Cummings and Henry Harman of Lycoming county: For the state road called the East and West road, leading from Warren by the way of Smethsport, Coudersport and Big Meadows to Wellsborough, the sum of twelve thousand dollars; one half to be expended west of Smethsport, one third to be expended in Potter county, between Coudersport and the line of Tioga county, and the remainder in Tioga county; and the further sum of eight hundred dollars for repairing the road from the Big Meadows to the Big Marsh, in Tioga county; commissioners to lay out the last mentioned sums in Tioga county, Samuel Dickenson, John Beecher and Benjamin B. Smith of Tioga county; the commissioners to carry this appropriation into effect in the counties of M'Kean and Warren shall not exceed three in number, and shall be appointed by the court of Quarter Sessions of said counties; and Almon Woodcock, Charles Lyman and John Taggart of Potter county, shall be commissioners for a similar purpose in Potter county; and the county commissioners of each of the counties of Potter and M'Kean are hereby authorized to appropriate out of their respective county funds, any sum not exceeding five thousand dollars, to be expended on said East and West State road, in their respective counties, by the road commissioners aforesaid; and the commissioners aforesaid, shall have the power to change the location wherever it shall be necessary, to obtain a better and more convenient route: For the state road from Bellefonte to White Deer, in Union county, eight hundred dollars; and the commissioners shall be William Foster and Henry Miller of Union county; Jacob Miller and Francis Gromely of Centre county.

For the state road from Chambersburg, by way of Strasburg and Fannetsburg to Drake's Ferry in Huntingdon county, four thousand dollars; commissioners to be Nathaniel Kelly, John Blair and John Lutz.

For the state road leading from west end of Wilkesbarre bridge, in Luzerne county, to Washington, in Columbia county, twelve hundred dollars; commissioners to be Elias Hoyt and Benjamin Reynolds of Luzerne county.

For the state road leading from Pittsburg to Kittanning

in Armstrong county, on the west side of the Allegheny State roads. river, four thousand dollars, to be expended between Felix Neglee's in Allegheny county, and the borough of Freeport; to be expended by the commissioners of Allegheny county.

For the state road leading from West Alexandria, in Washington county, through Waynesburg to the Virginia state line, two thousand four hundred dollars; commissioners to be Robert Milliken, and Mark Gordon.

For the state road leading from Monongahela bridge, in Allegheny county, to the Virginia state line, in the direction of Morgantown, one thousand six hundred dollars; commissioners to be William Litzenburg and Lot Lantz.

For the state road leading from Waynesburg to Widow Griffin's on the Cumberland road, in Fayette county, one thousand six hundred dollars; commissioners to be Barnet Whitlach and Isaac Burson.

For the state road leading from White Horse tavern to the Virginia state line, two thousand dollars; commissioners to be John Lindsey and Samuel Vanatta.

For the state road leading from Middlebourne in Virginia, to Hill's farm in Greene county, twelve hundred dollars; commissioners to be John Rogers and Joseph B. Johnson.

All the above five next preceding appropriations to be expended in Greene county.

To repair the bridge over the south fork of Ten Mile creek, at Clarksville in Greene county, on the state road leading from Beall's lane, in Washington county, to Little Whitely creek, in Greene county, four hundred dollars; any part of said appropriation not required to repair said bridge to be expended in improving so much of said road as lies between the Washington county line and Jefferson in Greene county; commissioner to be Herrod Bell.

For the state road leading from west end of Harrisburg bridge, in Cumberland county, to the mouth of the Juniata, the sum of eight hundred dollars; commissioner to be George Barnett, jun^r.

For the state road leading from Stoystown to Ebensburg, provided the same be authorized the present session, one thousand six hundred dollars; commissioners to be Christian Good, Moses Canan and Isaac Kauffman.

One thousand six hundred dollars to a state road in Pike county, from Henry Peters' to Rodolphus Bingham's; William Overfield, Jacob Hornbeck, junior, and Milo M. Dimmick, commissioners to lay out and expend the money.

For the state road leading from the east end of the

State roads. contemplated Sharon bridge, in Beaver county, to New Castle, two thousand four hundred dollars; James Cubbison, Benjamin Cunningham, junior, and David Warnock commissioners.

For the state road from Beaver bridge to the Ohio state line, near Petersburg, one thousand six hundred dollars; William Adair, James Sprött and John Carothers commissioners.

To the Landisburg and Mifflintown state road the sum of one thousand two hundred dollars; the commissioners to be John Smith, Steward Turbott, Alexander M'Gonigle of Juniata county, George Baker, Jesse Comeley and Joseph Bixler of Perry county.

To the state road leading from the Columbia bridge to York Haven, eight hundred dollars; the following persons to be commissioners, to wit: Martin Crull, Joseph Wilson and John Kauffelt.

Towards the payment of the necessary repairs on that part of the state road leading from Harrisburg to Wilkesbarre, between a point half a mile south of Lindner's Gap, in Rush township, Schuylkill county, and the Berwick turnpike, in Luzerne county, the sum of one thousand six hundred dollars; the warrant to be drawn in favor of James Taggart and Jacob Faust of Schuylkill county, who are hereby appointed commissioners to carry out the views contained in this section.

Twelve hundred dollars to the state road leading from York to Harrisburg, to be expended in repairing said road from Grisinger's Hill to George Shettle's in York county, and that Philip Sipe, Henry Grisinger and Joseph M'Creary be said commissioners.

For the state road from the borough of Alleghenytown, through Perrysville, Evansburg, Whitestown and Prospect, to Brownington, the sum of two thousand dollars; Samuel Kirk and Cadwallader Baker are hereby appointed commissioners to receive and expend the same in repairing said road; said money to be expended in proportion to the distance of said road in each county.

To the graded road from Butler to Franklin, the sum of four thousand dollars; Patrick Layton and Campbell E. Purviance are hereby appointed commissioners to receive and expend the same in repairing said road.

To the state road from the borough of Mercer through Harlinsburg and Harmony to Martin Burns', the sum of two thousand dollars; David Garvin and William Stoughton commissioners.

To the state road from Mercer to Franklin the sum of one

thousand six hundred dollars, to be paid to Aaron M^cCissick State roads. of Venango county, and Jacob Zahaizer, junior, of Mercer county, commissioners; said money to be divided in proportion to the road in each county.

For the state road leading from Erie to Warren one thousand six hundred dollars, to be expended in Erie county; Giles Russell, David Smith and Lyman Robinson, commissioners.

For the state road leading from the west end of the Moringahela bridge, in Allegheny county, to Uniontown, in Fayette county, the sum of three thousand two hundred dollars, commissioners to be James H. Patterson, Richard Hill and Zadok Springer.

For the state road leading from the Kiskiminetas salt works, through Connellsville and Uniontown in Fayette county, to the Virginia state line, in the direction of Morgantown, Virginia, the sum of two thousand four hundred dollars, commissioners to be Joseph Torrence, William Crawford and Zadok Brownfield.

For the state road leading from Robbstown, in Westmoreland county, through Cookstown to Brownsville, and to the road from thence through Merrittstown, Germantown and New Geneva, in Fayette county, to the Virginia state line, in the direction of Morgantown, Virginia, the sum of two thousand eight hundred dollars; one thousand dollars of which sum to be expended in repairing or constructing bridges over streams which said road crosses; commissioners to be Walter B. Chalfant, James C. Edington and Lee Tate.

For the state road leading from the White Horse tavern, on the top of the Allegheny mountain, to the Virginia state line, in the direction of the flats of Grave creek, the sum of two thousand dollars; commissioners to be John Gadd, Henry Swindler and Valentine Coughanour.

For the state road leading from the widow Griffin's, on the Cumberland road, in Fayette county, to Waynesburg, in Greene county, the sum of two thousand dollars; commissioners to be James S. Sipey, John Robinson and Elijah Loughhead.

For the state road leading from Steen's tavern, on the Somerset and Mount Pleasant Turnpike road, to the state road east of Connellsville, in Fayette county, the sum of four hundred dollars; commissioners to be Andrew Trapp and Abraham Gallentine, Esquire.

For the improvement of the navigation of the Youghiogheny river eight hundred dollars; commissioners to be Daniel Kane, John Smilie and James Harris. Navigation of the Youghiogheny river.

State roads

The above next preceding seven appropriations to be expended within the county of Fayette.

For the state road from Howell's mills, in Northampton county, to Conyngham, in Luzerne county, two thousand four hundred dollars, to be expended between Howell's Mills and Stroudsburg, in Monroe county; commissioners to expend and lay out the money, William Overfield, Morris D. Robinson, James M. Porter and Adam Keller.

For the road leading from Easton to the Wind Gap, in the county of Northampton, two thousand four hundred dollars, one thousand dollars of which sum shall be expended in reducing the grade of Chesnut Hill; David Kemmerer and William Ricker to be commissioners.

For the road leading from Easton to Philadelphia, along the river Delaware, two thousand four hundred dollars, to be expended between Easton and Durham creek; George A. Hise and Barnet Unangst to be commissioners.

For the road leading from Easton to Mauch Chunk twelve hundred dollars, to be expended between Berger's tavern and Mauch Chunk; H. B. Hillman, Thomas Craig, and Peter Snyder, of Towamensing, to be commissioners.

For the road leading from Allentown to Reading four hundred dollars, to be expended in reducing the grade of Griseiner's hill, in Lehigh county; Henry Reichert and James Segreves to be commissioners.

For the road leading from Mauch Chunk, by Allentown, to Philadelphia one thousand six hundred dollars, to be expended within the county of Lehigh; John Rice, Daniel Kline and Peter Huber to be commissioners.

For grading Flint Hill, in Bucks and Northampton counties, near Kemerer's tavern, the sum of five hundred dollars, to be expended under the direction of John Snyder, John Bachman, Balzer Stever, and Henry Kemerer, who are hereby appointed commissioners for that purpose: For the state road leading from Freidensburg in Schuylkill county, to Harper's in Lebanon county, eight hundred dollars, to be expended on that part of said road north of the mountain, running through Bethel and Swatara townships, in Lebanon county; commissioners to be Henry Miller, and Christian Spittler: Three thousand two hundred dollars towards constructing a bridge over the Swatara where the Lebanon road crosses the same near Harper's; commissioners to be George Miller and Jacob Harper: Eight hundred dollars towards constructing a bridge over the Quitapahilla at Rajuel's mill; commissioners to be John D. Beaver and Philip Imboden: Eight hundred dollars towards constructing a bridge over the Tulpehocken, below Meyerstown, near Bridenbach's;

Bridges.

commissioners to be Daniel Stine and John Bassler : Bridges. Twelve hundred dollars towards constructing a bridge over the Swatara at Bendnagle's church ; commissioners to be William Earley and Peter Killinger : Twelve hundred dollars towards constructing a bridge over the Swatara, at Loudermilk's fording, in Dauphin county ; commissioners to be Jacob Stine and Henry Landis, jr.

To the state road leading from Hamilton village to the borough of West Chester the sum of four thousand dollars, State roads. for the purpose of grading and repairing the same, under the direction of Colonel James Sill and Isaiah Fawkes of Delaware county, and Phineas Garrett of Chester county, commissioners hereby appointed for that purpose.

That the Governor is hereby authorized and required to draw his warrant on the State Treasurer, in favour of William Hales and James Harper of Beaver county, for the sum one thousand six hundred dollars, to be laid out in repairs of that part of the road leading from Beavertown to Frankfort, which lies between Irwin's ferry, on the Ohio river, and Frankfort in said county.

For the state road leading from Elizabeth to Uniontown three thousand dollars, to be expended between Elizabeth and the Robbstown and Washington Turnpike road ; John Walker, junr., Joseph Vankirk and Robert Wallace, commissioners.

To the state road from Saltsburg to Curwinstown one thousand six hundred dollars, to be expended in Indiana county, under the directions of James Tayler, Robert Nixon and William Colman, senior, of Indiana county.

To the state road leading from the Harrisburg bridge to Sterrett's Gap, in Perry county, eight hundred dollars ; Daniel Coble and Jacob Rupp to be commissioners to expend the same.

For the state road leading from George Householder's in Bedford county, through Werefordsburg to the Maryland line, four hundred dollars ; Henry A. Barton, Mason Lodge and Jacob Barnhard, commissioners.

For the state road called the Three Mountain road, leading from Shippensburg in Cumberland county, to James Spratts in Bedford county, four hundred dollars, to be expended in Bedford county ; William Wilds, George Keebaugh and John Davis, commissioners.

To the state road from Butler to Beaver the sum of eight hundred dollars ; Alexander Graham, John Hull and William M'Kinney, are hereby appointed commissioners to receive and expend the same on said road.

State roads. To the graded road from Butler to Graham's ferry, on the Allegheny river, the sum of eight hundred dollars; Andrew J. Christie and Josiah Fletcher are hereby appointed commissioners to receive and expend the same on said road.

To the state road from the borough of Butler in Butler county to the borough of Newcastle in Mercer county, the sum of one thousand six hundred dollars; John Moon, James Henry and William Forrester are hereby appointed commissioners to receive and expend the same on said road.

To improve the state road from Doylestown by Castle Valley bridge, if the same should be incorporated at the present session of the legislature, the sum of twelve hundred dollars, and William McHenry and William Field are hereby appointed commissioners to receive and expend the money.

For grading the hill on the old Bethlehem road in Bucks county, between Line Lexington and James' tavern, the sum of six hundred dollars, to be expended under the direction of William Lewis and Andrew Hartzell, who are hereby appointed commissioners for that purpose.

For grading Red Hill on the Easton road in Bucks county, the sum of six hundred dollars, and Joshua B. Calvin and Barnet Snyder are hereby appointed commissioners for that purpose.

Transfer of balance of appropriat'n from turnpike to state road, &c. That the sum of twelve thousand five hundred dollars, being the balance of appropriation to the Philadelphia, Chaddsford and New London Turnpike company, be, and the same is hereby transferred to the state road leading from Providence in Delaware county, by Chaddsford and New London Cross Roads, Chester county, and that six thousand two hundred and fifty dollars thereof be appropriated to Delaware county, for the purpose of grading said road, under the direction of Joel Evans, Casper W. Sharpless, Esquire, and James S. Peters, commissioners hereby appointed for that purpose; and that the residue thereof be appropriated to Chester county, under the direction of Samuel Irwin, James Kelton, Abraham Hamor, Harland Gause and Mark Fell, commissioners hereby appointed to direct the grading in Chester county.

Commiss'rs to review & re-locate road from the east end of Sharon br'ge to New Castle, &c. That Dr. Robert Cunningham, Thomas Cairns, and John T. Cunningham, Esqr., be, and they are hereby appointed commissioners to re-view and re-locate that part of the state road from the east end of the contemplated Sharon bridge to east end of New Castle, which lies between the Blockhouse run and the Sharon br'ge farm of Hugh Smiley, in such a manner that the grade of said road shall be brought, as near as may be, to five degrees,

and that the said commissioners have power to employ a competent artist, two chain bearers, and one axe man; the said commissioners and their artists to receive one dollar and fifty cents for each day necessarily employed on said road, and their chain bearers and axe man one dollar for each day employed in their service, the whole of said expense to be paid out of the treasury of Beaver county, in the same way that road viewers are usually paid.

SECTION 6. The Canal Commissioners shall not be authorized to incur any debt on the commonwealth in any way or manner beyond the appropriation aforesaid, and no part of the aforesaid appropriation shall be applied to any other than the several specific purposes to which it is appropriated by the preceding sections of this act, nor shall any contracts be entered into for any new line of canal or railroad not mentioned in this act, or for any extension of the lines herein named beyond the limits prescribed by this act.

Can. Com'rs not to incur debts.
Appropriation applied to specific purposes exclusively.

SECTION 7. The Canal Commissioners are hereby authorized to negotiate with the Valley Railroad, to the West Philadelphia Railroad, and the Chester and Delaware Railroad company, for the purpose of ascertaining upon what terms each of said roads can be purchased by the commonwealth, and also to cause an examination whether any better mode can be adopted to avoid the inclined plane at the Schuylkill, and cause a survey and estimate to be made by a competent engineer who has never been employed on either of said roads, of the whole expense of constructing each, reporting the curvatures, grades, and distance of each, together with accurate plots or drafts thereof; also reporting the curvatures, grades, and distance of the Pennsylvania Railroad from the city of Philadelphia to the bridge at Downingtown, with an accurate plot or draft thereof, showing the points of intersection by said roads; also reporting the curvatures, grades, and distance of the Philadelphia & Wilmington Railroad from the point of intersection to the city of Philadelphia, with an accurate plot or draft of the same, for which the sum of twelve hundred dollars is hereby appropriated; and if after such examination had, they shall be of the opinion that the best interests of the commonwealth and the public convenience would be promoted by the laying out of a new route, or the adoption or purchase of either of the said roads for the purpose of avoiding the said inclined plane, then to report to the next legislature which of the said routes or roads should be so adopted or purchased, and to report the result of their inquiries to the next legislature.

Can'l Com'rs to negotiate for certain railroads, &c.
Survey and estimate to be made, &c.

SECTION 8. That the several balances now in the treasury, being monies refunded on finished lines of the Pennsylvania Canal, be aggregated in one sum, and the same be applied to the payment of debts due on finished lines.

SECTION 9. The sum appropriated to the payment of damages by the first section of this act, shall be paid as speedily as possible, in the order as to time in which the said claims for damages have been awarded, assessed and confirmed, and afterwards to such as may be agreed upon as due by prior acts.

SECTION 10. The commissioners appointed by this act to expend monies appropriated to state and turnpike roads and bridges, and Youghioghany river, shall give bonds to the commonwealth, to be approved by the courts of Quarter Sessions of the respective counties, for the faithful disbursement of said monies before they receive the same: The courts of Quarter Sessions of the several counties in which appropriations are to be expended on roads and bridges, and Youghioghany river, as provided for by this act, in case any vacancy or vacancies shall occur by death, resignation, or removal out of the county of any of the commissioners named in this act, shall have power to fill such vacancy or vacancies, and the person or persons so appointed by the said court shall have all the powers given to the commissioner or commissioners named in this act, and be required to give bond as herein directed: *Provided*, That the expenses of the commissioners shall be paid by the county in which the appropriations are made, and that the auditors of the said counties shall be required to settle their accounts within two years after the money has been drawn from the state treasury; and the said county auditors shall forward a copy of the said respective accounts, after being so settled, to the Auditor General, who shall lay the same before the legislature.

SECTION 11. So much of an act passed the ninth day of January, eighteen hundred and thirty-eight, entitled "An act to provide for the repairs of the State Canals and Railroads, and continuing the work on the Erie Extension and North Branch Division of the Pennsylvania Canal, and for other purposes," as directs the Canal Commissioners to give notice to the contractors on the Gettysburg Extension of the Pennsylvania Railroad to suspend work on the first day of January next, be, and the same is hereby repealed, and the same course shall be pursued with regard to that work as to other public work under contract.

SECTION 12. The Governor of this Commonwealth is here- Governor
 by authorized to borrow, on a temporary loan, any sum of authorized to
 money not exceeding six hundred thousand dollars, and to borrow on
 give the necessary certificates therefor, and the same shall temporary
 be repayable at such time as shall be agreed on at the time loan 600,
 of making said loan, out of any money then in the treasury. 000 dollars.
 not otherwise appropriated.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.



No. 75.

An Act

Relating to the commencement of actions, to appeals from county
 auditors, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Re-*
presentatives of the Commonwealth of Pennsylvania, in Gen-
eral Assembly met, and it is hereby enacted by the authority
of the same, That no action now pending on a writ of error, No action,
 or otherwise or hereafter to be brought by partners or several &c., shall
 persons, against partners or several persons, shall abate, or abate.
 the right of such partners or several persons plaintiffs, to
 sustain their action, be defeated by reason of one or more
 individuals being or having been members of both firms, or
 being or having been of the parties plaintiffs and also of the
 parties defendants, in the same suit, nor shall the judgment
 rendered therein, if still pending on a writ of error, be
 affirmed against the right of such plaintiff or plaintiffs to sus-
 tain such action, nor reversed for the purpose of defeating
 such right, but the same shall proceed to trial and judgment
 as though the parties plaintiffs and defendants were separate
 and distinct persons, and the acts and declarations of the part-
 ner or persons so being of both the parties plaintiffs and defen-
 dants, shall be evidence to affect each party, respectively, in
 like manner and to the same extent as the acts and declara-
 tion s of the other partners or persons plaintiffs or defendants,
 would affect the respective firms or parties: *Provided,* That Provido.