

met, That the State Treasurer be and he is hereby directed to comply with the requisitions of the second section of a law, passed the third day of April, one thousand eight hundred and thirty-seven, in relation to a gratuity and annuity to James Pratt, a soldier, of Columbia county.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.



No. 15.

Resolutions

Relative to the canal damages and claims of John Snyder and William Stall, and others.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Board of Appraisers of canal damages be, and they are hereby authorized and required, to re-examine and assess the damage, if any, which may have been sustained by John Snyder and William Stall, and others, of the county of Columbia, by reason of the construction of the Pennsylvania canal; and it shall be the duty of the said Board of Appraisers to issue subpoenas for witnesses, and examine them upon oath or affirmation in relation to the claims of the persons named in this resolution; and the said Board of Appraisers, or any one of them in the presence of the others, shall have power to administer oaths or affirmations to all such witnesses as it may be necessary to examine: *Provided*, That in assessing the damages, the Board of Appraisers shall take into consideration the benefit which the petitioners derive from the construction of said line of canal, according to the general laws of this commonwealth in such cases, and if the former decision of said Appraisers shall be affirmed, or the amount assessed heretofore in favor of the petitioners, if any, shall not be increased, then the petitioners for this law, to pay all the expenses of said appraisement.

Relative to canal damages of John Snyder and Wm. Stall and others, of Columbia county.

Proviso.

Resolved, That it shall be the duty of the Board of Appraisers of this commonwealth, to re-examine if any and what

Canal damages of Edw. Inman, of Luzerne co. amount of damages have been sustained by Edward Inman, of Luzerne county, in the overflow of certain of his land, situated in Hanover township in said county, caused by the erection of the Nanticoke dam, on the North Branch of the Susquehanna river; shall report the sum to which in equity and justice they shall think him entitled, which shall be paid out of the fund appropriated to the payment of damages caused by the construction of the canals and railroads of this commonwealth, and the said commissioners are hereby required to examine witnesses in reference to said claim.

Canal damages of R. Winslow, of Chester co. *Resolved*, That the Board of Appraisers be, and they are hereby authorized and required, to examine into and settle the claim of Reuben Winslow, of Chester county, in the commonwealth of Pennsylvania, for damages incurred by the variation of the facilities afforded him in complying with the terms of his contract on the Columbia and Philadelphia Railroad, strictly conforming, however, to the provisions of the fourth section of the act entitled An act relative to the appointment of Canal Commissioners, passed April sixth, Anno Domini one thousand eight hundred and thirty; the said examination and settlement to be as effectual in law as if the said Reuben Winslow had appealed from the final settlement of his contract within the time mentioned, and in all other respects had complied with the provisions of that part of the act referred to: *Provided*, That no such adjustment of the claim, aforesaid, has been made, or appeal lawfully entered and prosecuted by the said Reuben Winslow, or his attorney, or an appeal regularly entered but not prosecuted according to the fourth section of the act aforesaid.

Proviso.

Canal damages of James Clawson, of Westmoreland co. *Resolved*, That it shall be the duty of the Appraisers of Damages on the Pennsylvania canal, to ascertain if any damage was done to and sustained by James Clawson, in the carrying away and destruction of his salt works, on the river Kiskiminitas, immediately below dam No. two, in the county of Westmoreland, by the freshet in the month of February, one thousand eight hundred and thirty-two, and if, upon full investigation and inquiry, they shall be of opinion any damage was sustained, and that said loss was caused by the construction or the breaking of the dams in the said river, without default or negligence on the part of the owner, and that the commonwealth ought to be responsible for the same, then to report the amount of damages they shall find the said James Clawson shall be entitled to, taking into consideration the advantage of the canal and public improvements on said river to the property of said Clawson, which sum, so reported, shall be paid out of the damage fund as in other cases of

damages sustained by reason of the construction of the Pennsylvania canal, and that the said Appraisers shall, in this case, have power to issue subpoenas to witnesses, and, if necessary, to award attachments to compel their attendance.

Resolved, That the Canal Commissioners be and they are hereby authorized to re-examine the claims of George D. G. Foreman, contractor for lock number one, on the Erie extension of the Pennsylvania canal, for injuries sustained in consequence of the flowing of water back on the said lock, caused by the erection of the Shenango feeder dam, and if, upon re-examination, they are satisfied that he has sustained damage, then to make such allowance as shall be just reasonable.

Resolved. That the Canal Commissioners be, and they are hereby authorized and required, to ascertain if any and what amount of damage has been sustained by John Wagoner, of York county, caused by quarrying of stone on his property and applied to the construction of the Eastern division of the Pennsylvania canal, and should they believe that the said John Wagoner has suffered damage, as aforesaid, they shall report the amount thereof, which shall be paid out of the fund appropriated for the payment of damages caused by the construction of railroads and canals of this commonwealth.

Resolved, That the Canal Commissioners be, and they are hereby authorized and required, to inquire into the claim of additional damages sustained by James Herrington, of Crawford county, from the construction of the French creek division of the Pennsylvania canal, and to ascertain the actual damage done to the land of the said James Herrington, and pay the same out of the damage fund, and the said payment shall be allowed by the Auditor General as in other cases.

Resolved, That the Board of Appraisers of canal damages be, and they are hereby authorized and required, to re-examine and assess the damage, if any, which may have been sustained by Patrick Gwin, of the county of Huntingdon, by reason of the construction of the Pennsylvania canal, and it shall be the duty of the said Board of Appraisers to issue subpoenas for witnesses, and examine them upon oath or affirmation in relation to the claim of said Patrick Gwin, and the said Board of Appraisers, or any one of them in the presence of the others, shall have power to administer oaths or affirmations to all such witnesses as it may be necessary to examine.

Canal damages of J. Davis, of Crawford county. *Resolved*, That the Board of Appraisers be, and they are hereby authorized and required, to inquire into the claim of damages sustained by John Davis, of Crawford county, from the construction of the French creek division of the Pennsylvania canal, and to ascertain the actual damage done to the land of the said John Davis, to be paid out of the damage fund.

Claim of the heirs of Jas. McNamee, a canal contractor. *Resolved*, That the Canal Commissioners be, and they are hereby authorized and required, to examine the claim of the heirs of James M'Namee, deceased, late a contractor on section number thirty-seven, of the Juniata division of the Pennsylvania canal, for stone and materials prepared and delivered by said deceased, while a contractor as aforesaid, and if they find any thing due them on account of said claim, to direct the amount thereof to be paid out of any money in the treasury not otherwise appropriated: *Provided*, That if the claims of either of the persons named in the preceding resolutions have been assessed under existing laws, and paid, no further proceedings shall be had in such case under these resolutions.

Proviso.

Canal damages of Thos. T. Cromwell. *Resolved*, That the Appraisers of Canal Damages be, and they are hereby authorized and required, to re-examine the claim of Thomas T. Cromwell, for damages sustained by him on section number one hundred and sixty-two, on the Juniata division of the Pennsylvania canal, and ascertain the amount if any; and the Canal Commissioners are hereby required to direct such amount to be paid out of the damage fund, as in other cases.

Canal damages of J. McFadden. *Resolved*, That the Canal Commissioners be, and they are hereby authorized and required, to examine the claim of Jackson McFadden, for damages sustained by him in the construction of lock No. 2, on the Lycoming division of the Pennsylvania canal, and allow him such compensation as shall be equitable and just, having reference to a change of a part of the work from rough to cut stone, and also to what others were paid for constructing similar locks on the same division, and to direct the amount (if any) to be paid out of the fund appropriated for similar purposes.

Claim of D. Easton, Jas. Collins and E. Easton. *Resolved*, That the Canal Commissioners be, and they are hereby authorized to examine the claim of David Easton, James Collins and Emery Easton, contractors for locks numbers five, six and seven, on the Erie extension of the Pennsylvania canal, for retained per centage, and if, in their opinion, the circumstances would render it just and equitable that they should be paid such per centage, then to ascertain the amount and direct the same to be paid out of the damage fund, and the account shall be audited in the usual way.

Resolved, In assessing the damages, in all cases mentioned in this act, the Canal Commissioners or Board of Appraisers shall take into consideration the amount heretofore paid to the claimant of such damages, or those under whom he claims, and also take into consideration the benefit which said applicant derives or may derive from the construction of the public works, as is directed by the general laws of this commonwealth, relative to the assessment of damages done to real property by the public works, and if no damages shall be awarded, or a sum no greater than has been heretofore awarded in favor of the claimant named in any section of this act, said claimant shall pay all expenses incurred in making such examination, which expenses shall be assessed by the Canal Board, and collected from such applicant, in the name of the commonwealth, as debts of equal amount are by law recoverable.

In assessing damages the benefits derived are to be considered.

Who is to pay the expenses of examination.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.

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No. 16.

Resolution

Relative to the Upper Basin at Hollidaysburg.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Canal Commissioners are hereby authorized and required, as soon as practicable, to construct a waste gate in the dam at the upper basin at Hollidaysburg, or some other improvement as they may adjudge proper, so as, when necessary, to draw off the water and clear out the sediment deposited in said basin, and at all times to keep up and maintain a free and interrupted navigation for the passage of boats throughout said basin.

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.