

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.

—•••••
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.