

No. 202.

**A N A C T**

To provide for the repairs of the several lines of canal and rail-road, and to continue the improvements of the state.

**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 be, and they are hereby specifically appropriated to the purposes herein-after mentioned, to wit:

For the completion of the railway to avoid the inclined plane at Columbia, the sum of thirty-nine thousand dollars.

For the construction of a reservoir or reservoirs, at the termination or terminations of the Allegheny Portage rail-road, the sum of seventy thousand dollars, to be applied thereto during the present year, accordingly as the canal commissioners shall deem most conducive to the public interest.

For purchasing new locomotives, engines, and ropes, for the Columbia and Portage rail-road, one hundred thousand dollars, and at least one-half of all locomotive engines; so purchased, shall be constructed so as to use bituminous or anthracite coal, exclusively as fuel.

For repairs on the different lines of canal and rail-road, the following sums are hereby specifically appropriated, to wit:

For the Columbia and Portage rail-roads, and for the Eastern, Susquehanna, Juniata, Western, and Delaware divisions of the Pennsylvania canals, including the sums necessary to pay the balance due for the construction of the Valley Creek bridge on the Columbia rail-road, and for the construction of a bridge across the said rail-road, at the New Holland turnpike, the sum of two hundred and fifty-five thousand dollars, including the balance due for the construction of the inlet lock at Petersburg, on the Juniata division of the Pennsylvania canal.

For the West Branch division, forty thousand dollars.

For the North Branch division, sixty-five thousand dollars.

For the Beaver division, thirty thousand dollars.

For repairing bridges on the French creek feeder, and building a feeder dam, fifteen thousand dollars; and in case of any extraordinary freshet, or other casualty, causing a breach in any line of canal or rail-road, and occasioning an

Specific appropriations to the following works. To avoid inclined plane at Columbia

\$39,000

Construction of reservoirs at Allegheny

Portage \$70,000

New locomotives, &c.

\$100,000

For repairs as follows:—

Columbia and Portage rail-road—the

several divisions of canal

Valley Creek bridge—

bridge at New Holland turn-

pike—inlet lock

Lock at Petersburg

\$255,000

West Branch division \$65,000

Beaver \$30,000

Bridges on French Creek dam, &c.

\$15,000

In case of casualty or authorized

to borrow

interruption of the transportation on said line, if the repair of such breach or damage, so occasioned, shall require a greater sum than is hereby specifically appropriated to such line, then the governor is hereby authorized and required to borrow, on the credit of the commonwealth, for the term of one year, and at an interest not exceeding five per cent. per annum, such sum or sums, as may be certified to him by two of the principal engineers, on the state improvements, to be necessary to make such repair.

To pay debts due for repairs and surveys \$145,000 To pay debts due for repairs, and for surveys which have been heretofore authorized, which debts may have been contracted prior to the first of February last, the sum of one hundred and forty-five thousand dollars.

For damages \$75,000 For new work in pay of canal commission'rs and engineers not connected with extension Shenango and Erie line \$300,000 Conneaut line \$250,000 For damages, the sum of seventy-five thousand; the said damages to be paid as soon as possible, in the order of time in which the claims for damages may have been awarded, assessed, and confirmed.

For new work on finished lines, pay of canal commissioners, appraisers, and engineers, not connected with extensions, the sum of thirty thousand dollars.

SECTION 2. The sum of three hundred thousand dollars is hereby appropriated to the completion of the Shenango line, of the Erie extension, of the Pennsylvania canal.

The sum of two hundred and fifty thousand dollars to the construction of the Conneaut line of the Erie extension of said canal, and the canal commissioners are directed to place the whole of said line under contract, as soon as the same can conveniently be done.

North branch canal \$400,000 One half to Tioga and one half to Tunshannock line The sum of four hundred thousand dollars to the construction of the North Branch canal, one-half thereof to be applied to the Tioga line, and the other half to the Tunshannock line thereof, and the canal commissioners shall not, during the present year, put under contract any portion of the two last mentioned lines, which have not already been contracted for.

Wiconisco canal \$150,000 The sum of one hundred and fifty thousand dollars towards the completion of the Wiconisco canal.

SECTION 3. The canal commissioners are hereby directed and required to cause a re-measurement and re-estimate to be made by William B. Foster and James D. Harris, as principal engineers, with such assistants as they may mutually agree upon, of all the work done on the North Branch extension of the Pennsylvania canal; and by William E. Morris and Benjamin Ayerigg, as principal engineers, with such assistants as they may mutually agree upon, of all the work on the Sinnemahoning extension of the West Branch; and by John P. Bailly and A. B. Warford, as principal engineers, with such assistants as they may mutually agree upon, of

Canal commissioners required to re-measure work on North and West Branch and Wiconisco Engineers to be employed

all the work done on the Wiconisco feeder, where the contractors are dissatisfied, and desire such re-measurement to be made; and in cases where the aforesaid engineers cannot agree, they shall choose some third person to act as umpire between them. And the canal commissioners shall cause the amount of said estimates, as returned by the said engineers, to be paid without delay, retaining the usual per centage, except on those sections which have been declared abandoned by the canal commissioners, as reported by them to the house of representatives, on the twenty-second day of May last; and on those sections the contractors shall be paid for the whole amount of work done, according to the contract prices, including the retained per centage.

In case of disagreement of engineers umpire to be chosen Estimates of engineers to be paid &c.

SECTION 4. The canal commissioners are hereby authorized to change the location of the feeder dams on the Lackawanna river and French creek, or either of them, and if necessary, extend the feeders up the said creeks to a distance not exceeding two miles, if, in the opinion of the commissioners, after a careful examination by a competent, scientific engineer, they shall deem such change necessary to promote the interests of the commonwealth, and ensure the permanency of said work.

Location of feeder dam at Lackawanna and French Creek to be changed

SECTION 5. The canal commissioners are hereby authorized to negotiate with the Valley rail-road, the West Philadelphia rail-road, and the Chester and Delaware rail-road companies, for the purpose of ascertaining upon what terms each of the said roads can be purchased by the commonwealth; and if after the ascertainment of the said terms, and a careful examination of the reports of the engineers on the subject of avoiding the inclined plane at the river Schuylkill, on the Columbia and Philadelphia rail-road, 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, to report to the next legislature which of the said routes or roads should be so adopted or purchased, and also the terms upon which each of the above mentioned roads can be purchased.

Canal commissioners to negotiate with Valley rail road, &c.

To ascertain terms of purchase

Duties of commission'rs in certain cases

To make report to legislature

SECTION 6. The canal commissioners are hereby authorized and required to employ an experienced and competent engineer, and at least three assistant engineers, and with their necessary corps, whose duty it shall be to make thorough examinations and surveys, with a view to form a connection between Harrisburg and Pittsburg, by means of a continuous rail-road, on such routes as they shall believe to be most practicable for such continuous rail-road between said points, and who shall be sworn to perform their duties

To employ engineers to survey route of rail-road from Harrisburg to Pittsburg

**Engineers to be sworn, and their duties** with fidelity, and report the same to the canal commissioners before the first day of January, one thousand eight hundred and forty, or as soon thereafter as practicable, for which the sum of thirty thousand dollars is hereby specifically appropriated.

**Governor to borrow \$2,054,000** **SECTION 7.** The governor is hereby authorized and empowered to borrow, on the credit of the commonwealth, the sum of two millions and fifty-four thousand dollars, at an interest not exceeding five per cent. per annum, payable half yearly, and to be re-imbursed at any time after the first day of July, one thousand eight hundred and sixty-eight, and he shall issue negotiable certificates of stock for the same, transferable on the books of the auditor general, the Girard Bank, or the Bank of Pennsylvania, by the owner or owners of the same; and upon such transfer, new certificates shall be issued by the auditor general and state treasurer, or by the president and cashier of said bank, to the new holder or holders, and the interest on said stock shall be paid at the treasury, the Girard Bank, or the Bank of Pennsylvania, as may be agreed upon by the governor, and the original purchaser of the stock; which sum shall be paid to, and vested in the internal improvement fund, to be applied for the purposes of this act.

**Certificates of stock, manner of transfer, &c** **SECTION 8.** That whatever amount of the loan hereby authorized, or any loan which has been created, and not disposed of, or any loan which may hereafter be created, shall, or may be taken by any of the banks of this commonwealth, that such amount may be paid out in five dollar bills, to be issued by the bank or banks, taking such loan or loans, and the amount of loan so taken by any of the banks of this commonwealth, shall remain on deposit with said bank until the wants of the commonwealth require it to be drawn out; and it shall be the duty of the disbursing officer of the commonwealth, if requested so to do, by the officers of the banks taking said loan or loans, to pay out to contractors, and other creditors of the commonwealth, the five dollar bills of the bank or banks by which they are issued, so long as such bank or banks shall continue to redeem the same, on demand, in specie, if such contractors or creditors will consent to receive the same.

**Interest where and how to be paid**

**Loan when taken by any bank may be paid in \$5 bills**

**Loan to remain in deposit with the bank taking it until wanted**

**Disbursing officers to pay \$5 bills to contractors, so long as the bank issuing redeems in specie, if contractors consent**

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The nineteenth day of July, eighteen hundred and thirty-nine.

DAVID R. PORTER.