

No. 29.

## RESOLUTIONS

Relative to sundry claims for damages.

*RESOLVED, By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That the canal commissioners be, and they are hereby authorized and required to examine the claim of Sill and Mathers, contractors on lock number sixteen, on the Erie extension of the Pennsylvania canal, for losses alleged to have been sustained by them in the construction of the said work, and adjust the same on principles of justice and equity, having a due regard to the nature of the contingency by which the said loss was occasioned, and allowing them, if the same were remote and unusual, so much, if any above the contract price, as the said work would have cost, to the contractors, under the most judicious management, and with proper industry and economy.

Claim of Sill  
and Mathe  
contractors

*RESOLVED,* That the said canal commissioners are also hereby authorized to settle the claim of Samuel Copper, for constructing lock number eleven, and of A. Whitney and G. Fifield, contractors on lock number twenty-two, on said Erie extension, subject to the same principles prescribed in the foregoing resolution, and the said canal commissioners to draw their warrants on the state treasurer, for whatever amounts they may find due the aforesaid contractors.

Of Samuel  
Copper

Of Whitney  
and Field

*RESOLVED,* That the canal commissioners are hereby authorized and required to enquire into the claim of damages sustained by Jane Gash, transporter of passengers on the Philadelphia and Columbia rail-road, from Broad street, in the city of Philadelphia, to the foot of the inclined plane, near the river Schuylkill, by the destruction of two horses, and injury done to the car, caused by one of the engineers of the commonwealth, on the twenty-fourth day of October last. And if in their opinion the said damage done to said horses and car, was occasioned by the negligence and inattention of the agents or superintendents of the state, having in charge that portion of the public work, and without any negligence on the part of the claimant or her agent, then to report the amount of damage, and pay the same out of the damage fund.

Damages of  
Jane Gash

RESOLVED, That the administrator of the estate of David Rawhouser, late of Chanceford township, York county, Pennsylvania be, and Duanna is empowered to settle and adjust with the Susquehanna canal company, the claim of the estate of said Rawhouser, against said company, for damages by reason of the construction of the canal of said company through and upon the property, of which the said Rawhouser died seized, as fully, and with the same effect, as the said Rawhouser could have adjusted the same, were he still living. And in case the said parties cannot agree, the said administrator is hereby empowered, in his representative capacity, to institute, and prosecute to judgment and execution, such legal proceedings against said company, as are provided in its charter, for the owners of land not under legal disability: *Provided*, That the said company shall not be compelled to pay such damages until the said administrator shall have filed in the orphans' court of York county, a bond to the commonwealth in double the amount agreed upon, or finally found due with such security, as the said court shall approve conditioned for the faithful appropriation of such damages, to the persons legally entrusted to receive the same.

Administrator  
of D. Raw-  
houser against  
the Susque-  
hanna canal  
company for  
damages

RESOLVED, That the canal commissioners be, and they are hereby authorized and required to estimate, or cause to be estimated, all the work actually done by Dixon Davidson and Leech, on lock number fifteen, on the Erie extension of the Pennsylvania canal, and if any mistake has been made, or injustice done them in the measurement and estimate of the said work, the said canal commissioners to settle and adjust the same on principles of equity and justice, having a due regard to the provisions of the contract, and the said canal commissioners to draw their warrant on the said state-treasurer, for whatever amount they may find due the said contractors.

Relief of Dixon  
Davidson  
and Leech,  
contractors.

RESOLVED, That the canal commissioners are hereby authorized and required to inquire into the claim, for damages sustained by James Herrington, transporter of merchandise on the rail-road, in consequence of the breaking of the rope on the inclined plane, near Philadelphia, by which accident, it is alleged, his car was much injured, and to report the amount of damages, if any, and pay the same out of the damage fund, and the said payment shall be allowed by the auditor general, as in other cases.

Damages—  
J. Herrington,  
transporter

RESOLVED, That the canal commissioners be, and they are hereby authorized and required to examine the claim of James Stamp, a contractor on the Portage rail-road, for losses alleged to have been sustained by him in the construction of the said work, and adjust the same on principles of justice and equity, having a due regard to the nature of the con-

Relief of James  
Stamp, con-  
tractor

tingency by which the said loss occasioned, and allowing him, if the same was remote and unusual, so much, if any above the contract price, as the said work would have cost to the contractor, under the most judicious management, and with proper industry and economy.

**Relief of Chas DeHass, engineer**  
**RESOLVED,** That the canal commissioners be, and they are hereby authorized and required to settle and adjust the claim of Charles De Hass, for services rendered as a civil engineer, in the examination, re-measurement, and estimate of the work done by Isaac Kleckner and James M<sup>a</sup> Gee, late contractors on the West Branch division of the Pennsylvania canal, in the erection of a dam across Bald Eagle creek, under the authority of a resolution of the general assembly, dated the first day of April, eighteen hundred and thirty-six, and to draw their warrant on the state treasurer, for so much as shall be found due to the said Charles, to be paid out of any money in the treasury, not otherwise appropriated: *Provided,* That the amount thereof shall not exceed one hundred and fifty dollars.

**Relief of Joseph Howett transporter**  
**RESOLVED,** That the canal commissioners be, and they are hereby required to examine into the claim of Joseph Howett, of the city of Lancaster, a transporter on the Philadelphia and Columbia rail-road, for damages sustained by him in consequence of the loss of a hogshead of whiskey, whilst the same was being transported by the agents of the commonwealth, over the Valley creek, immediately after the destruction of the bridge over said stream, in the month of April last; and upon ascertaining that the damage occurred to the property, when in the hands of the agents of the commonwealth, and the amount thereof, to pay the same out of the damage funds.

**Relief of John and James Lafferty contractors**  
**RESOLVED,** That the engineer on the Coneaut, of the Erie extension of the Pennsylvania canal, be, and he is hereby authorized to estimate the item of hard pan wherever the same may have occurred, or may hereafter occur on the thirty-fifth section of the said line, and to allow to John and James Lafferty, the contractors on the said section, whatever the same may be reasonably worth, having due regard to the other provisions of the contract.

**Damages Thomas McQuoid, for opening street in Harrisburg**  
**RESOLVED,** That it shall be the duty of the canal commissioners to re-examine the claim of the legal representatives of Thomas M<sup>a</sup>Quoid, deceased, for damages sustained by the opening of Fourth street, in the borough of Harrisburg, and if upon full investigation, they shall be of opinion that the representatives of the said Thomas M<sup>a</sup>Quoid, deceased, have sustained any damages over and beyond what they will be entitled to receive, on an appraisement already had, for the appropriation of a lot of ground in Susquehanna

township, Dauphin county, to public use, by opening said street, as aforesaid, the canal commissioners shall assess the same, and when so assessed, the same shall be paid out of the damage fund, as in other cases.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The seventh day of May, Anno Domini, eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 30.

RESOLUTION

Providing for the pay of the clerk to the commissioners of the Internal Improvement Fund.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the sum of two hundred dollars is hereby appropriated, annually, as a compensation to the clerk of the commissioners of the internal improvement fund, to be paid as the salaries of collectors and lock-keepers are now paid, and that said commissioners be authorized and directed to pay their late clerk at the same rate and manner aforesaid, for the time he was in their employ.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—The tenth day of May, eighteen hundred and thirty-nine.

DAVID R. PORTER.