

**RESOLVED,** That the canal commissioners are hereby authorized and required to examine into and settle the claim of Abraham Brunner, junior, for any damage he may have sustained by the location of the West Branch canal through his lots in the town of Port Penn, in the county of Lycoming.

**RESOLVED,** That the auditor general is hereby authorized to settle and adjust the general accounts of N. W. Sample, late inspector of the second brigade, fourth division, Pennsylvania militia, and to admit such credits and allowances as he may deem just, and due, and proper, subject, however, to the examination and approval of the state treasurer.

**RESOLVED,** That the canal commissioners, be, and they are hereby authorized and required to examine into the claim of Brown and Reed, of the city of Lancaster, transporters on the Philadelphia and Columbia rail road, for damages sustained by them in consequence of the loss of four hogsheads of whiskey and the destruction of two cars, occasioned by the locomotive "*Bald Eagle*" running against the train to which the said cars were attached, and upon ascertaining the amount of the damages, if any, sustained by the said Brown and Reed, to pay the same out of the damage fund. *Provided,* The loss was sustained by the negligence and want of care on the part of the agents of the commonwealth.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

**APPROVED**—The fourteenth day of June, Anno Domini, eighteen hundred and thirty-nine.

DAVID R. PORTER.

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No. 37.

## RESOLUTION

Relative to the claim of Henry Hoops, and others.

**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 Henry Hoops for five hundred perches of stone taken from his

Canal Comr's quarry, and used in the construction of bridge number four-  
 to settle claim teen, on section No. fifty, on the Columbia and Philadelphia  
 of Henry rail road, and pay him so much as he may be justly entitled  
 Hoops to have therefor, and the auditor general is hereby authorized  
 and required to audit the same in the way and manner other  
 claims are audited. And that the canal commissioners be  
 Of Jos. Pugh further authorized and directed to settle the claim of Joshua  
 Pugh for stone and materials furnished by him for the Anti-  
 coke dam. And the auditor general be authorized to settle  
 and audit this claim in the manner other claims are audited  
 and paid.

RESOLVED, That the canal commissioners be, and they are  
 hereby authorized and required to examine the claims of  
 Of Chamberlain Chamberlain, Merriman and Linton, contractors on lock num-  
 ain Merriman ber twenty-four, and dam number four, on the Erie extension  
 and Linton of the Pennsylvania canal; and Lusk, Maynard and Brown,  
 Of Lusk contractors on locks number fourteen and twenty-five, on the  
 Maynard and said extension; and Henry N. Lowry, contractor on section  
 Brown number thirty-seven, on the said extension; and Lusk and  
 Of Henry N. Clow, contractors on the aqueduct number two, on the said  
 Lowry extension; and James M'Kean, contractor on section number  
 Of Lusk and Clow, contractors on the aqueduct number three, on the said  
 Clow extension; and William Sowash, contractor on section number six, on the  
 Of Jas. M' said extension, for losses alleged to have been sustained by  
 Kean them in the construction of the said works respectively, and  
 Of William adjust the same on principles of justice and equity, having a  
 Sowash due regard to the nature of the contingencies, by which the  
 said losses were occasioned, and allowing them, if the same  
 were remote and unusual, so much, if any above the con-  
 tract price as the said works respectively would have cost to  
 the contractors, under the most judicious management, and  
 with proper industry and economy, and also to make such  
 allowance as to them shall seem just and equitable, where the  
 same arose from a change of location, or any other alteration  
 of the original contract, and draw their warrant on the state  
 treasury for the amount, if any, so by them awarded in  
 favor of said contractors respectively, and the treasurer is  
 hereby required to pay the same out of any money in the  
 treasury not otherwise appropriated by law.

RESOLVED, That the canal commissioners be, and they are  
 hereby authorized and required to settle and adjust the claim  
 Of D. Bemus of Daniel Bemus, of Crawford county, for damages which  
 he has sustained by the breaking of the French creek feeder  
 dam and embankment, constructed on the east side of the  
 pool of the said dam, upon principles of equity and justice,  
 and draw their warrant upon the state treasurer for such sum  
 as they may award to him. *Provided*, That it be made ap-  
 pear to the satisfaction of the said canal commissioners, by

existing contract or contracts, that the commonwealth was bound to keep in good repair the said dam and embankment, at their own proper cost and expense. And that the said canal commissioners have power to send for persons and papers.

WM. HOPKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. PENROSE,  
*Speaker of the Senate.*

APPROVED—The fourteenth day of June, eighteen hundred and thirty-nine.

DAVID R. PORTER.

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No. 38.

RESOLUTION

Authorizing the Canal Commissioners to change the location of the Pennsylvania Canal, between North's Island and Millerstown.

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 to put under contract, and cause to be constructed a towing path on the west side of the river Juniata, from the dam at North's island, to a point near or opposite the town of Millerstown, where it is contemplated to erect a bridge, so as to make a complete slackwater navigation between those points, if, in their opinion, after a personal examination of the location, in company with a practical engineer, the interests of the commonwealth would be promoted by such change.

RESOLVED, That if the aforesaid change should be effected, the canal commissioners shall enter into a contract with the bridge company at Millerstown, for the construction of a towing path for the use of the commonwealth, in connexion with said bridge. And as soon as the towing path, aforesaid, shall be made, and the slackwater navigation between North's island and Millerstown effected, the canal commissioners shall cease to repair and keep in order that portion of the canal which extends from North's island to Millerstown on the east side of the river Juniata. *Provided however,* That

Slackwater  
between  
North's Is-  
land and Mil-  
lerstown

Towing path  
on Millers-  
town bridge