

rail road in such manner as to insure its completion at the earliest period possible.

WM. A. CRABB,
Speaker of the House of Representatives.
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—This twentieth day of February, A. D. one thousand eight hundred and forty one.

DAVID R. PORTER.

[No. 21.]

AN ACT

Authorizing the Canal Commissioners to contract with Milo Adams and Samuel P. Adams for water privileges.

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 canal commissioners be and they are hereby authorized to contract with, and permit Milo Adams of the city of Pittsburg, and Samuel P. Adams of the county of Beaver, their heirs and assigns, to construct a good and substantial race-way and gate on the western side of dam number four on the Beaver division of the Pennsylvania canal for the purpose of drawing off and using the surplus water at said dam. The said race and gate to be constructed under the direction of the principal engineer in such a manner, as to prevent any waste of water, and to permit none but surplus water, or such as may not be necessary to supply the canal to escape through the said gate and race.

SECTION 2. The said Milo Adams and Samuel P. Adams and those claiming under them, shall in consideration of the privilege of using said surplus water, release to the Commonwealth all claim for damages sustained by them in the construction of said dam number four, and pay such further consideration, semi-annually or otherwise to the canal commissioners, as shall be agreed on for the use of so much of the surplus water, as may be used by the said Milo and Samuel P. Adams and those claiming under them: and in fixing the amount to be paid, said canal commissioners shall take into consideration the advantages of the water power to the owners thereof, before the construction of the state works, and adjust the rent on principles of equity, and shall also obligate themselves to relinquish

Canal com'rs authorized to contract with Milo & S. P. Adams for use of surplus water at Dam No. 4. B. D. P. canal.

Considerat'n.

Further consideration.

Amount how ascertained.

the use of said water at any and all times, when it may, in the opinion of the canal commissioners, or of the legislature, become necessary for the use of the canal, or when it becomes necessary to draw the water off for the purpose of making repairs, and in that case no compensation or damages shall be allowed for any improvements or erections made in consequence of the privileges granted by this act.

WM. A. CRABB,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twentieth day of February A. D. one thousand eight hundred and forty one.

DAVID R. PORTER.

[No. 22.]

AN ACT

Relating to the Estates of David Woelper and Mary Pentland, deceased.

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 in all cases where the executors of the last will and testament of David Woelpper, late of the district of Spring Garden, in the county of Philadelphia, victualler, deceased, have purchased real estate against which they had claims, in order to prevent greater loss to the estate, the same are hereby confirmed and made good and valid: *Provided always* ^{Real estate purchased by executors of D. Woelpper confirmed.} *nevertheless,* That such estate shall be held by said executors, and the survivors and survivor of them for the uses and purposes mentioned and declared in and by the said last will and testament in relation to the testators' estate and property, of which he died, seized and possessed, and subject to all the powers and authorities therein declared of and concerning his other estate. And it shall and may be lawful for said executors and the survivors and survivor of them hereafter whenever in their sound judgment and discretion they shall believe it to be for the benefit of the said estate, to purchase other real estate for the like reasons as above mentioned, but always for the same uses and purposes, and with the same powers and authorities aforesaid in relation to real estate already bought.— ^{Other real estate may be purchased by D. Woelper's executors.} And it shall further be lawful for the said executors and the survivors and survivor of them, and they are hereby authorized ^{Executors}