

[No. 7.]

RESOLUTION

Relative to the claim of Philip Sullivan, David H. Lochart and Franklin Stratton.

- Preamble WHEREAS, It is represented that Philip Sullivan, late a contractor for section number sixty-six, on the Tunkhannock line of the North Branch canal, has suffered great loss in consequence of coming in contact with an item of work not embraced or mentioned in his article of agreement, to wit: a solid cemented gravel, usually called hardpan, as difficult to excavate as rock itself, and could only be removed at great labor and expense, nearly or quite double that for which common earth could be removed;
- 2d preamble *And whereas,* It is further represented that it is not competent for the canal commissioners to grant him relief without express authority is given to them for that purpose by the legislature; therefore,
- P Sullivan's claim 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 the said Philip Sullivan for additional compensation for work done on the said section and allow him such sum as to them shall appear just and equitable, without regard to the terms of his original contract, so far as relates to the item of work not embraced in said contract: *Provided,* That if no compensation in addition to the contract prices shall be authorized and allowed by the canal commissioners upon such examination, then and in that case any extra additional cost and expense incurred thereby shall be borne and defrayed by the said Philip Sullivan.
- Proviso RESOLVED, That the canal commissioners are hereby authorized and required to examine the claim of David H. Lochart, a contractor on the French Creek division, and to ascertain whether the said Lochart sustained any damages in his contract for the construction of lock number seven on said French Creek division, in consequence of the closing of the gates of lock number eight on said division, against the consent of said Lochart, and also to examine the claim of said Lochart for extra work and for changes made in the work of said contract, and to make a fair and equitable adjudication upon said claims, and if any damages are awarded, the same shall be paid out of any unappropriated money in the treasury.
- D H Lochart's claim
- Extra work

WHEREAS, A resolution passed on the first day of April, one thousand eight hundred and thirty-six, authorized the canal commissioners to adjust and settle the claim of Franklin Stratton, a contractor on the French Creek division of the Pennsylvania canal, on account of losses sustained by a change in the location of a dam and guard lock, and also empowered the auditor general to audit and settle the same, but made no provision for the payment of the amount found due ;

And whereas, On settlement made with the canal commissioners, under the provisions of said resolution, a balance of one thousand and seventy-five dollars was found justly due said Stratton ; therefore,

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That the state treasurer be and he hereby is required to pay the amount found due the said Franklin Stratton, under the resolution aforesaid, out of any moneys in the treasury not otherwise appropriated by law.

WM. A. CRABB,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The first day of March, A. D., eighteen hundred and forty-one.

DAVID R. PORTER.

[No 8]

RESOLUTION

Relative to the Bridge over the West Branch of the Susquehanna at Karthaus, belonging to the Commonwealth.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That in lieu of the tolls authorized to be charged by the president and managers of the Milesburg and Smithport turnpike road company, by the resolution making an appropriation to erect a bridge over the West Branch of the Susquehanna at Karthaus, passed on thirteenth of June, one thousand eight hundred and forty, the said president and managers are hereby authorized and required to demand and collect from travellers and others crossing said bridge, for the use of the Commonwealth, the following rates of toll, viz : for every carriage or wagon used for the purpose of agriculture, having four wheels,

Bridge to charge tolls