

SECTION 9. The legislature reserves the right to alter, amend or Reservation. revoke any and all of the provisions of this act, whenever they shall be misused or found injurious to the citizens of this commonwealth.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty nine.

WM. F. JOHNSTON.

No. 424.

AN ACT

To authorize the canal commissioners to sell and convey certain real estate upon the Franklin line of the Pennsylvania canal; to allow the Franklin canal company to construct a railroad; extending the time for settlement of claims on the Conneaut line, and relating to an election district.

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 Canal commis- sioners authorized the canal commissioners be and they are hereby authorized to sell at public sale, after due and timely public notice given in the newspapers to sell certain published in the counties of Erie, Crawford and Venango, the several real estate. lots or parcels of land owned by the commonwealth along the line of the Franklin division of the Pennsylvania canal, together with the lock houses and other buildings thereon erected, and the appurtenances belonging thereto.

SECTION 2. The said canal commissioners are further authorized and To sell a certain empowered to sell at public sale the state dam erected across the French dam and out-let creek, at the borough of Franklin, in the county of Venango, together lock erected with the out-let lock, the water power, together with the rights and across French privileges pertaining thereto, as also the lots or parcels of land attached creek. to said dam and lock; the property to be sold to the highest bidders, on such terms and conditions as in the opinion of the commissioners will be most conducive to the interest of the state; and the said canal commissioners are hereby directed and empowered to make a deed or deeds of conveyance, vesting in the purchaser or purchasers the interest of the commonwealth, of, in and to the said property: *Provided however,* Proviso. That the said canal commissioners shall be satisfied that the sale of said property will not be prejudicial to the interests of the commonwealth.

SECTION 3. *It shall be, and it is hereby directed to be, a condition Condition of sale of the sale of the dam and lock at Franklin aforesaid, that the pur- of said dam and chaser or purchasers of the said dam and lock, and their heirs and as- lock. signs forever, shall be and they are hereby required to keep the said dam and lock in a state of good repair.*

- To sell rough and cut stone, also stone in locks, &c.
- Proviso.
- Proviso.
- To report to legislature.
- Appropriation of money arising from such sale.
- Further duties as to French creek.
- Proviso.
- Relative to the election of officers of the Franklin canal company.
- Franklin canal company to have the privilege of making a railroad.
- Privileges.
- Extension of works.
- Subject to all the provisions and restrictions of a certain act.
- SECTION 4. That the canal commissioners are hereby further authorized and directed to sell at public sale, after due and timely public notice given as aforesaid, all the rough and cut stone, as also the stone in locks, the wire, iron bars and spikes, as also the plank and other lumber owned by the state on and along the said Franklin line of the Pennsylvania canal, from the mouth of French creek to the feeder dam: *Provided however*, That nothing herein contained shall be construed to authorize the said commissioners to sell any real or personal property which belongs to, or pertains in any manner to the French Creek feeder, or the Erie extension, Pennsylvania canal: *And provided further*, That if the canal commissioners shall not obtain such bid or bids, equal to the amount which they consider to be the true value of the property hereby authorized to be sold, then and in such case they shall, from time to time, postpone the sale thereof.
- SECTION 5. That the canal commissioners be and they are hereby required, within ten days after the meeting of the general assembly, to report to them the kind and quantity of property sold, and the price the same sold for, and the names of the person or persons who purchased the same.
- SECTION 6. That the sum of one thousand five hundred dollars of the moneys received from the sale of the property authorized to be sold by this act, be and the same is hereby appropriated to remove the obstructions caused by the state, and now existing in the navigation of French creek, and the balance of the moneys accruing from said sale be and the same are hereby directed to be paid into the state treasury.
- SECTION 7. The canal commissioners are authorized and instructed, after the sale of the property aforesaid, to advertise and let by contract, to the lowest bidder or bidders, the work of cleaning the bed of French creek of the obstructions now injuriously impeding its navigation, under such restrictions as they shall think advisable; and the canal commissioners shall be allowed a reasonable compensation for their expenses in carrying out the provisions of this act: *Provided further*, That the canal commissioners may, if they deem the same advisable, sell at private sale, the stones or any portion of them, at the lock and dam at Cochreton, in the county of Crawford, to the county commissioners of the said county, at such price as the parties may agree upon.
- SECTION 8. That the company authorized by the act of the general assembly, entitled "An Act to authorize the governor to incorporate the Franklin canal company," passed the twenty-seventh day of April, one thousand eight hundred and forty-four," be and the same is hereby authorized to elect officers at any time before the first day of August next, upon notice being given by any three of the stockholders, agreeably to the provisions of the said act; and no failure heretofore to elect officers, or any other irregularity, shall be taken or construed to work a forfeiture of the charter of said company.
- SECTION 9. That the said company, instead of constructing a canal, or completing and repairing the work done by the commonwealth, have the privilege of constructing a railroad, if deemed the most expedient, and to use the graded line or towing path of the said canal as the bed of the said road.
- SECTION 10. That upon the said company's increasing the stock thereof to the amount of five hundred thousand dollars, it shall have the privilege of extending from the north end thereof to lake Erie, and from the south end to Pittsburg, by such route as the said company shall deem most expedient and advantageous; the said railroad shall be constructed, subject to all the provisions and restrictions of an act regulating railroad companies, passed the nineteenth day of February, A. D. one

thousand eight hundred and forty-nine : *Provided*, That there is nothing Proviso.
in this act to prevent the legislature from authorizing the sale of the real
and personal property which belongs to the commonwealth on the said
Franklin line of the Pennsylvania canal, excepting the towing-path,
berme bank, and bed of canal along the aforesaid line.

SECTION 11. That the act, entitled "A supplement to an act, entitled Conneaut line of
'An Act for the determination and settlement of claims for damages the Erie extension
done by the construction of the Conneaut line of the Erie extension of the Penn-
sylvania canal,' " be and the same is hereby continued in force sylvania canal,
for one year from the first of March last ; and said act is hereby declar- act relative to
ed to apply only to the said Erie extension from New Castle northward, claims on con-
and to such claims as have not been examined in pursuance of and in tinued in force.
manner directed in said act ; and the provisions and requirements of
said act is hereby extended to the Franklin line of the Pennsylvania
canal.

SECTION 12. The qualified electors of the township of Toby, in the Toby township,
county of Clarion, shall hereafter hold their general and township elec- Clarion county,
tions at the house of John Crick, in said township. place of holding
elections in.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and
forty-nine.

WM. F. JOHNSTON.