

forfeit and pay unto the party or parties aggrieved any sum of money, not exceeding one half of the debt for which the claim was filed or action brought as aforesaid; to be sued for and demanded by the person or persons damnified in like manner as other debts are now recoverable by law of this commonwealth.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the act, entitled "An act securing to mechanics and others, payment for their labor and materials, in erecting any house or other building within the city of Philadelphia, the district of Southwark and the township of the Northern Liberties," passed the first day of April, one thousand eight hundred and three,⁽¹⁾ be, and the same is hereby repealed, excepting as it applies to liens cognizable by the said recited act, previous to the passing of this act, and to actions now pending under the said recited act; to such liens and actions, (and none other) it shall continue in force to the final determination of the same.⁽²⁾

Approved March 17, 1806. Recorded in L. B. No. 10, p. 300.

Note (1). Chapter 2385; 17 Statutes at Large, p. 446.

Note (2). See Supplement to the act in the text; Chapter 2995; *Infra* this volume, p. 893.

CHAPTER MMDCLXXVI.

A SUPPLEMENT TO THE ACT, ENTITLED, "AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH, TO INCORPORATE A COMPANY FOR OPENING A CANAL AND WATER COMMUNICATION, BETWEEN THE RIVERS DELAWARE AND SCHUYLKILL, AND FOR OTHER PURPOSES THEREIN MENTIONED. (1)

Section I. (Section I, P. L.) 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 it shall and may be lawful for the president, managers and company, of the Delaware and Schuylkill canal navigation, as often as they shall find it

necessary, to include in one writ, in the nature of a writ of *ad quod damnum*, all such lands, tenements and hereditaments, within any one county, as may be necessary for the said canal and the works thereunto belonging; and the sheriff of such county shall execute the same by one jury selected in the manner prescribed by the act to which this is a supplement, and in all other respects proceed in the manner thereby prescribed: provided, that the return to every such writ, shall particularly set forth the damages awarded to each of the owners; and if it shall appear to the supreme court on the application of the said company, or any of the said owners, that any such valuation has not been justly made, it shall and may be lawful for them to set aside so much of such valuation and the return thereof and no more, and to award a new writ in each case, wherein the return of the valuation shall have been set aside as aforesaid.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the surplus water of the said canal, may be used and applied to such useful purposes, as shall be deemed by the said president, managers and company, most beneficial to the interest of the said company: Provided always, that such surplus water shall not be so used or applied as to affect or injure the rights or privileges of any individual, or of any body politic or corporate.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the first section of the act passed on the twenty-third of March, one thousand eight hundred and two,⁽²⁾ limiting the continuance of the act⁽¹⁾ to which this is a supplement to five years, and the limitation contained in the twenty-first section of the said original act, and so much of the same, as shall be hereby altered or supplied, be repealed and the remainder thereof be continued in full force, until the first day of January, one thousand eight hundred and twenty, and from thence until the end of the next session of the general assembly of this commonwealth.

Approved March 17, 1806. Recorded in L. B. No. 10, p. 302.

Note (1). Chapter 1647; 14 Statutes at Large, p. 313.

Note (2). Chapter 2264; 17 Statutes at Large, p. 97.