

No. 134.

AN ACT

For the relief of William Strunk, a soldier of the revolutionary war.

SECT. 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 State Treasurer be and he is hereby authorised and required to pay to William Strunk, of Berks county, a soldier of the revolutionary war, or to his order, forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence on the first day of January, one thousand eight hundred and thirty.

\$40 gratuity
granted.

FRED'K SMITH, *Speaker*
of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—the fifth day of April, Anno Domini one thousand eight hundred and thirty.

GEO. WOLF.

No. 135.

AN ACT

Relative to the appointment of canal commissioners.

SECT. 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 on or before the first Monday of June next, and annually thereafter, the Governor shall appoint three canal commissioners, and in case of vacancy supply the same by new appointments, whose powers and duties shall be the same as those of the present board, and shall commence on the first Monday in June, and shall continue in office for one year, and who shall receive as a full compensation for their services and expenses, the sum of four dollars each per day, and the office of acting canal commissioner is hereby abolished from and after the said first Monday in June next, and their places respectively shall be supplied by superintendents; and it shall be the duty

Governor to
appoint an-
nually 3 ca-
nal comm'rs.
Duties to
commence.
Pay \$4 per
day.
Office of act-
ing comm'r
supplied by
superinten-
dents.

of said canal commissioners to devote their whole time and attention, by personal examination, to the general and especial superintendence and repairs of the public works, finished and in progress.

Duties of commissioners.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the principal engineer of each line or division of canal or rail-road, shall make the necessary surveys, estimates and plans of all work to be done, and submit them to the board of canal commissioners, for their adoption or rejection, lay out all the work, and superintend its execution, be the judge of the work of the contractors, and have power, with consent of one of the canal commissioners, to declare their contracts forfeited, in case of non-compliance with them, and make the estimates of work done for payment, and with the consent of said board, appoint the necessary assistant engineers, and attend to their faithful performance of their duties.

Duties of principal engineers.

Power to forfeit contracts

Appointment of assistants.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the superintendents of lines or divisions of canals or rail-roads, shall submit to a majority of the canal commissioners, for their approbation or rejection, all future contracts for work to be done or materials to be furnished, settle and pay the accounts of contractors, have the general superintendence of the line, report to the engineer any thing that may appear wrong, furnish such materials as the contractors may not stipulate to furnish, and return their accounts to the Auditor General, for settlement, and the superintendents, engineers and clerks who receive a per diem allowance as compensation for their services, shall, previously to a settlement of the same, certify on oath or affirmation, that they have been actually employed for the time set forth in said accounts, unless prevented by sickness.

Duties of superintendents.

Settlement of their accounts.

Canal officers to certify on oath as to the time of actual employment.

SECT. 4. *And be it further enacted by the authority aforesaid,* That whenever any contractor or other person employed by any acting canal commissioner or superintendent, shall be dissatisfied with the final measurement of his work, or otherwise aggrieved on completion of his contract or employment, such contractor or other person may appeal from such final measurement or state where in he is aggrieved, to the canal board, at their next meeting, who, or a majority of them, shall hear and determine thereupon: *Provided,* That every contractor or other person making such appeal or complaint, shall previously, or at the time of making the same, make affidavit of the amount in which he believes he has sustained injury or damage, and enter into bond to this commonwealth, in at least that amount, with two sufficient sureties, to prosecute his appeal or complaint with effect, and in

Contractors, &c dissatisfied with measurement may appeal to board.

Proviso. To make affidavit of amount of supposed damages.

Give security to prosecute appeal. If claim is unfounded, liable for

cost of re-measurement.

Comm'rs to estimate damage to private property, & make offers.

If subsequent assessment does not amount to more, owners liable for costs. Certified copy of record evidence.

Governor to appoint 3 appraisers to assess damages.

Their compensation. Oaths. Settlement of accounts. Provision. Not to prevent board from compromising.

Comm'rs to regulate size, &c. of boats.

case his claim should be found unfounded, to pay all the costs of re-measurement, which affidavit and bond shall be forthwith filed in the office of the Auditor General.

SECT. 5. *And be it further enacted by the authority aforesaid,* That in cases where injury or damage has been or may be done to private property, by reason of the Pennsylvania canal or rail-road passing through the same, or by the taking of any materials for said canal or rail-road, it shall be the duty of the canal commissioners to ascertain as nearly as may be in their power, the amount of damage actually sustained, and to make an offer of such sum to the person or persons aggrieved as they shall think reasonable, a record of which offer shall be made, and if the same should not be accepted, and the damages thereafter assessed in the manner provided for by this act, should not amount to a larger sum than the one offered as aforesaid, the person or persons in whose favor such damages may be assessed shall pay all the costs attending such assessment, and a certified copy of the record of such offer as aforesaid, shall be evidence of the amount thereof.

SECT. 6. *And be it further enacted by the authority aforesaid,* That immediately after the passage of this act, the Governor shall appoint three individuals as a board of appraisers, to whom all appeals shall be made by persons who may be dissatisfied with the amount of damages offered by the board of canal commissioners, and it shall be the duty of said board of appraisers, justly and equitably to assess the damages sustained by such person, in the manner directed by the existing laws, and whose determination thereon shall be final, and they shall make a record of their proceedings, a copy of which shall be delivered to the board of canal commissioners, to be by them carried into effect, according to law, and said appraisers shall receive as a full compensation for their services and expenses, the sum of three dollars each, for every day devoted to the duties of their office; and before entering on the duties of their office, shall take an oath or affirmation, to execute the same with fidelity, their accounts to be settled and paid as those of the canal commissioners: *Provided,* That nothing herein contained shall be construed to prevent the board of commissioners from compromising all cases of damages now pending in court.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the board of canal commissioners shall have power from time to time to make such rules and regulations, not inconsistent with the laws of this state, in respect to the size and structure of boats, rafts and other floats on the waters of the canal, the weighing and inspecting of

boats and their lading, the collection of tolls, and in respect to all matters connected with the navigation of the canal, and impose such fines and penalties for the breach of such rules and regulations as they may judge reasonable: *Provided*, That no fine or penalty so imposed shall, for a single offence, exceed the sum of twenty-five dollars.

Collection of tolls. Fines, &c.

Proviso. Single penalties not to exceed \$25.

SECT. 8. *And be it further enacted by the authority aforesaid*, That no member of the legislature shall be appointed a canal commissioner, or a superintendent on the line of canal, during the time for which he is elected to office.

Members of legislature ineligible as comm'rs or super'nts.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the board of canal commissioners shall appoint supervisors to take charge of such portions of the canals and rail roads, as shall be finished for public use; and the said supervisors are hereby required to file a bond, with two or more substantial sureties, to be approved of by the Governor, in the office of the Secretary of the Commonwealth, the penalty of said bond to be not less than five thousand dollars, conditioned for the faithful accounting and settling of any sum or sums of money, which he may from time to time draw from the treasurer of the board of canal commissioners, for the purpose of being expended in repairs, and conditioned for the performance of all other duties of his office: *Provided*, That no supervisor shall be allowed, at any one time, to have more than five thousand dollars in his hands unaccounted for, and his accounts shall be audited and settled in the same manner that the accounts of superintendents of lines are now settled, and so much of any act as is hereby altered or supplied is repealed.

Board to appoint supervisors. Their bonds and sureties.

Proviso. Not to have more than \$5000 unaccounted for. Settlement of accounts. Repealing clause.

FRED'K SMITH, *Speaker*
of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—the sixth day of April, Anno Domini one thousand eight hundred and thirty.

GEO. WOLF.