

[No. 28.]

RESOLUTION

For the relief of Okey Hendrickson, attorney in fact for George M'Dowell, and for other purposes.

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 draw their warrant on the State Treasurer, for the amount awarded by the board of appraisers, on the fifth day of November, Anno Domini, one thousand eight hundred and thirty-eight, to Okey Hendrickson, attorney in fact for George McDowell, for damages sustained by reason of the construction of the Beaver division of the Pennsylvania canal, in Mercer county, but which award was signed only by two members of the board of appraisers: *Provided*, The said Board of Canal Commissioners are satisfied that the said award is in all other respects right and proper.

George McDowell damages.
Proviso.

RESOLVED, That the board of trustees of the Greensburg Academy, in the borough of Darlington, in the county of Beaver, shall be reduced to nine, and that George Scott, A. B. Bradford, Mathew Elder, Joseph Frayer, James Cochran, George Greer, David Gilliland, Hugh Martin, and James Sprout, and their successors, to be elected according to their act of incorporation, four of whom shall constitute a quorum to transact the business of said institution.

Trustees of Greensburg academy reduced.

RESOLVED, That the Canal Commissioners be, and they are hereby authorized and required to examine the claim of James Frazier, a contractor on the Erie extension, at lock number twenty-six, and lock section number two hundred and sixteen, and settle with and pay him according to the principles of equity and justice, having a due regard to the provisions of his contract and the amount of work actually done, and they shall have power to issue subpoenas and award attachments to compel the attendance of witnesses in the usual manner, and the Auditor General is hereby authorized to audit the same, in the way and manner other claims against the commonwealth are audited.

Relief of Jas. Frazier canal contractor.

RESOLVED, That the Canal Commissioners be required to examine and adjust the claim of William Johnston & Co., contractors on the Tangasootac extension of the West Branch canal, for damages sustained by the suspension of the work at dam number two, by order of the Canal Commissioners, and

Wm. Johnston and Co. canal contractors.

that the amount found due be paid out of any monies in the treasury, not otherwise appropriated.

RESOLVED, That the Canal Commissioners be, and they are hereby authorized and required, to examine the claims of ^{Jas. H. Johnston canal contractor.} James H. Johnston, a contractor on the Gettysburg rail road, for losses alleged to have been sustained by him, in the construction of a spoil bank by contract with the late commissioners, and adjust the same on principles of equity and justice, and draw their warrant on the State Treasurer for the amount, if any by them awarded in favor of said contractor, and the treasurer is hereby required to pay the same out of any money in the treasury, not otherwise appropriated.

WHEREAS, It has been represented to the Legislature, that the road to avoid the inclined plane at Columbia, is located so ^{Preamble.} near to the barn of Michael Kauffman, of West Hempfield township, in the county of Lancaster, as to render it almost impossible to escape conflagration from sparks emitted by the locomotives, in use upon the said road: Wherefore,

RESOLVED, That the Canal Commissioners be and they are hereby authorized and required, to examine the situation and condition of the barn of said Michael Kauffman, above mentioned, and if in their opinion, there is danger of the same being destroyed by fire from the locomotives, they shall cause ^{Michl. Kauffman's barn} the said barn to be removed to such situation, more remote ^{may be re-} from the rail road, as will secure it from the danger of being ^{moved.} burned by the locomotives, or pay to the proprietor thereof, such sum or sums, as in their judgment will be an adequate compensation to him, for removing or securing the same; or adopt such measures as in their opinion, will promote the interest of the Commonwealth, and protect the property of the individual; the money that may be requisite for carrying the provisions of this act into full force and effect, shall be paid by the canal commissioners, out of the fund appropriated for damages.

RESOLVED, That the Canal Commissioners are hereby authorized and required to enquire into the claim of damages sustained by Enos Eldridge, transporter of produce on the ^{Enos Eldridge transporter Philadelphia and Columbia rail road, from the Green Tree to transporter Philadelphia, by the destruction of his horse caused by an Col. rail way.} engine of the state coming in contact with the same in March, eighteen hundred and thirty-nine, and if, in their opinion, the damages done to said Eldridge were occasioned by the negligence and inattention of the agents or supervisors of the state having in charge that part of the public works, and without any negligence on the part of the claimant, then to report the amount of damages and pay the same out of the damage fund.

RESOLVED, That the Canal Commissioners be and they are hereby required to examine the claim of ^{Bingham and Bro-} Bingham and Brothers, of the city of Philadelphia, for damages sustained in ages.

Craig Bellas
and Co. dam-
ages.

John White
and Co.

consequence of an accident happening on the inclined plane at Philadelphia, on the Columbia rail road, by which the cars laden with property belonging to the said Bingham and Brothers, consisting of twenty-one barrels of flour, one half pipe of brandy, and four rail road cars, precipitated down the said plane to the great injury of the same. Also the claim of Craig, Bellas, and company of the said city of Philadelphia, for injury done to one rail road car by an accident which happened at said plane on the fifth day of September, one thousand eight hundred and thirty-nine. Also the claim of John White and company, of the city of Philadelphia, for injury done to seven of their cars, and loss of property with which they were laden, by two several accidents which happened at the said plane, one on the twenty-second day of April last, and one on the ninth of May last, and upon ascertaining what damages, if any, have been sustained by the said Bingham and Brothers, Craig, Bellas and company, and John White and company, respectively, and upon being fully satisfied that such damages, if any, occurred to the said property and cars in consequence of the negligence of the State agents, and while the said property and cars were in the possession of said agents, to pay the same.

Bogle Hall &
Bogle.

RESOLVED, That the canal commissioners be and they are hereby authorized and required to examine the claim of Bogle, Hall and Bogle, contractors on section number sixty-five, Tunkhannock division, North Branch canal; also, the claim of Thomas and Belknap, on section number one hundred and ten on the same line, and settle with and pay them according to the last contract and prices for all the work done subsequent to the re-letting of said sections, if in their opinion the prices are not too high.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, eighteen hundred and forty.

DAVID R. PORTER.