

the plantation or tract of land, which was devised to the said Desaix Alexander for life, by his father James Alexander, deceased, and how much the said plantation and tract of land, together with the improvements thereon, was increased in value by means of the expenditure of the said money; and if it shall be found, upon the trial of the issue aforesaid, that the money for which the said judgments were confessed, was loaned by the said Elizabeth M'Dowell to the said Desaix Alexander, for the purpose of improving the said plantation or tract of land, and the improvements thereon, it shall be the duty of the jury to inquire and find how much the value of the said plantation or tract of land, and the improvements thereon, have been increased by means of the expenditure of the said money so as aforesaid loaned by the said Elizabeth M'Dowell to the said Desaix Alexander; and to the extent of the amount so found by the jury, the judgments confessed by the said Desaix Alexander to the said Elizabeth M'Dowell, shall be adjudged and held to be liens upon the said plantation or tract of land, and the improvements thereon, and no further.

SECTION 2. The payment of the said judgments, so far as they shall be adjudged or holden to be liens, may be enforced in the manner that the payment of other judgments are now enforced.

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS: R. SHUNK.

No. 318.

AN ACT

For the construction of a certain dam on the Tangascootack extension of the West Branch division of the Pennsylvania canal.

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 it shall be the duty of the canal commissioners, as soon as practicable, to make or cause to be made, an estimate of the cost of constructing the weir and schute of dam number two, on the Tangascootack extension of the West Branch division of the Pennsylvania canal, of such height as to raise the surface of the pool, at the mouth of Tangascootack creek, four and a-half feet above low water mark; and also, to put in gates already made for locks number two and three, being the out-let locks of said dam, or if such gates should be decayed, to construct others to supply their places, together with all such fixtures as may be necessary to complete said locks.

Canal commissioners to make estimate of cost of construction of a dam.

SECTION 2. As soon as the said estimate shall have been prepared, the canal commissioners shall give public notice, by advertisement, that they will receive proposals for the construction of the said dam and schute, and the completion of the said locks, the contractors to find all the materials, and provide the funds necessary for the completion of the work, which funds shall bear an interest of six per cent. per annum, payable half yearly from the average date of their expenditure, and be reimbursed to the contractor as hereinafter directed.

To give notice of the time for receiving proposals.

SECTION 3. The work shall be allotted to the lowest and best bidder, and the proposal accepted shall not exceed the estimate made by the canal commissioners; and when the work shall be completed to their satisfaction, the said commissioners shall certify the fact to the auditor general, together with a statement of the amount of work done in pursuance of said contract, which shall be entered upon the books of the auditor general's office, and a certificate thereof given to the contractor, if required.

Allotment of work.

SECTION 4. In order to reimburse to the said contractor the amount expended by him in the completion of said work, the collectors of tolls on the Pennsylvania canals, shall keep a distinct account of the amount of tolls collected upon coal shipped from the pool of said dam, from mines which have not been heretofore worked, and make return thereof to the state treasurer, who shall set apart the amount thereof for the sole purpose of paying to said contractor the cost of said dam, schute and locks, together with the interest thereon, as the said tolls shall be accounted for and received at the treasury; and when the amount of said contract and interest shall have been fully paid and satisfied from the proceeds of the tolls upon coal as aforesaid, the said tolls shall thereafter be accounted for, and applied as other tolls arising from the canals belonging to this commonwealth: *Provided*, That the commonwealth shall not be considered in any way bound, or her faith pledged at any time hereafter, for the payment of the principal or interest of any loan contracted under the authority of this act, or for the payment of any money due to contractors in the construction of the improvements hereby authorized, further than for the faithful application of the fund hereby authorized to be applied to that purpose, arising out of the tolls upon coal as herein specified: *Provided further*, That any claim for damage done to private property, by reason of the construction of the said dam and locks, shall be examined and assessed by the board of canal commissioners, and any awards by them made in favor of claimants, shall be paid in the manner prescribed by this act for the payment of the costs of construction.

How expenses to be re-imbursed.

Proviso.

Proviso.

Damages, how assessed and paid.

JAMES COOPER,
Speaker of the House of Representatives,
WM. WILLIAMSON,
Speaker of the Senate.

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.