

education, in such manner as the said trustees shall deem best calculated to qualify them for teachers of common schools : *And provided also*, That the trustees shall, on or before the 2d proviso. said first Monday of June next, give security to the Commonwealth to the satisfaction of the Governor, to raise and apply a like sum to the same object from other sources ; and if such security be not given by the time aforesaid, then the Governor shall draw his warrant for said sum as soon thereafter as such security shall be given : *And provided also*, That said trustees shall never charge more than five dollars per annum room rent, to each student who may occupy rooms in said college building. 3d proviso.

WM. PATTERSON,
Speaker of the House of Representatives.

THO'S. RINGLAND,
Speaker of the Senate.

APPROVED—The sixth day of February, one thousand eight hundred and thirty-four.

GEO : WOLF.

No. 30.

AN ACT

Supplementary to an act entitled, " An act to incorporate the Philadelphia, Germantown, and Norristown rail-road company."

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 the Philadelphia, Germantown and Norristown rail-road company be, and are hereby authorized to construct, continue, and extend the line of their rail-road, from a point on the main line of said road, at or near Robeson's mill, on the Wissahickon creek, in the township of Roxborough, in the county of Philadelphia, to intersect that part of their road now made from Philadelphia to Germantown, at such point as shall appear most expedient and proper to the president and managers of said company ; and to make, construct, and lay a lateral railway, from the main line of said rail road, to branch off between Spring Mill and Norristown, not exceeding six miles in length ; and to use the same for the purpose of transportation and conveyance ; and for the purpose of making, constructing, and laying out said extension and lateral railway, to search for stone, gravel, and other materials, except wood, for constructing the same, and to enter in and upon, and over, and occupy any land which they shall deem necessary, in the manner

Authorized to extend their rail-road.
To make a lateral rail-way not exceeding in length 6 miles
To enter on lands.

Proviso. prescribed by the act to which this is a supplement: *Provided*, That the said company be authorized to demand and receive the same rates of toll on said extension and lateral railway, that they are now entitled to receive on the main line of said rail road: *And provided further*, That the branch line to Germantown shall terminate at a point one hundred yards west of the main street of Germantown; and that the company shall be released from making and extending said rail road from said termination to Robeson's mill aforesaid: *And provided further*, That the branch to Germantown, terminating as aforesaid, shall hereafter be kept in good order and repair, under the same regulations and rates of toll as are prescribed for the main line of said rail road, otherwise the charter to become null and void: *Provided*, That nothing in this act contained, shall be allowed to interfere with the rights secured to the Philadelphia and Reading rail-road company, or to any former corporation.

2d proviso. Termination of the branch at Germantown designated.

3d proviso. This branch to be kept in good repair.

4th proviso.

May lay the line of their road along a street in Norristown.

SECTION 2. The said company are hereby authorized to construct and lay the line of their said road on Washington street, in the borough of Norristown, agreeably to a resolution and permission of the town council of said borough, passed the first day of October, one thousand eight hundred and thirty-three, which said resolution and permission of said town council is hereby confirmed and made valid.

May use the bed of a certain public road.

SECTION 3. It may be lawful, and the said company are hereby authorized, wherever it may be necessary, in the progress of the line of said rail-road, to occupy a part of the bed of a public road, between Spring Mill, in the county of Montgomery, and the Philadelphia line, to construct and lay said rail-road upon the same: *Provided*, That the said company, at their own proper charge, shall make a good and sufficient road for the accommodation of the public, along side of the said rail-road, in place of the part of the said public road so occupied as aforesaid; which said road, so made, shall be approved by the supervisors, and three disinterested citizens of the township, to be appointed by the supervisors and the president of the said company.

Proviso.

Assessment of damages.

SECTION 4. It shall be lawful, within one year after the location and commencement of the work, on the line from Robeson's mill to the old line of the said rail-road, for any person or persons owning land west of the said termination of the said rail-road, near the main street of Germantown, which may have been ceded to the said rail-road company by amicable arrangement, either gratuitously or for amount of damages agreed on, or for damages assessed by jury, to notify the president of the said rail-road company that he, she or they, are ready amicably to settle or value the damages to them, in consequence of the diversion of the main route of said rail-road, by mutual agreement between the president and managers of said rail-road company and said land holder or holders; and on the refusal or neglect of said president and managers to unite with them

in making such agreement, or in case of non-agreement between said parties, then the person or persons may apply to the judges of the Court of Common Pleas of the county wherein the said land lies, and the said judges shall forthwith appoint five judicious persons, residing in the said county, to examine the premises, and award such additional damages as they may determine, after taking into consideration the amount of damages already paid, and the advantages to be derived by the land holders, by the reversion in fee simple of the said lands, to the said land holder or holders; and said award shall be entered in the prothonotary's office in said county, and have the immediate effect of a judgment against the said company, and the cost and expenses of said jury shall be paid by the said company, and the award of said jury shall be final: *Provided, Proviso.* That in all cases where lands have been taken possession of by said company, between said termination at Germantown and the point of junction with the main line, re-assessments shall be made in the manner prescribed, for that part lying west of said termination, near Germantown, and payments, (if any should be awarded) shall be made in like manner, provided that there shall be no reversion of land to the land holders; and the assessments shall be made on no other principle than the diversion of the main line of said rail-road and consideration of damages already paid: *And provided further,* That the 2d proviso. awards of said juries shall be paid within ninety days after the confirmation aforesaid; and it shall be lawful for said Court of Common Pleas, on application to them made by any person or persons, having obtained re-assessments of damages under this act, and are aggrieved in the premises by non-payment of the same, to issue an injunction on the further proceedings of said company, between Robeson's mill and the junction of the old line aforesaid; and any further proceedings on that part of the road shall be illegal; and any attempts of the agents of said company to proceed with the further progress of that portion of the road, before the said judgment shall be satisfied, shall be deemed a misdemeanor, and punished by fine and imprisonment, at the discretion of the court aforesaid.

SECTION 5. So much of any act heretofore passed, as is hereby altered or supplied, is hereby repealed. Repealing clause.

WM. PATTERSON,
Speaker of the House of Representatives.

THO'S. RINGLAND,
Speaker of the Senate.

APPROVED—The eighth day of February, one thousand eight hundred and thirty-four.

GEO. WOLF.