

[No. 114.]

AN ACT

In relation to the Philadelphia and Trenton Railroad 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 and Trenton railroad company, are hereby authorized to resume and continue the use of their railroad as it has heretofore been located and constructed along Frankford road and Maiden street, in the district of Kensington, for the term of three years, if said company shall desire so to do, and shall pay such damages as the district of Kensington may actually sustain, on account of continuing said rail road along the streets aforesaid, taking into consideration the benefit of said rail road, to the district. Said rail road company shall have three years from the passage of this act, to construct their rail road, as at present located along Front street, from their depot, in the district of Kensington, to their depot at the corner of Third and Willow streets, in the Northern Liberties, to be constructed and kept up according to the provisions of the second section of an act entitled "a further supplement to an act authorizing the Governor to incorporate the Philadelphia and Trenton rail road company," passed the twenty-third day of March, eighteen hundred and thirty-nine, and shall pay a just and proportionate part of the expense incurred by the district of Kensington, in levelling and grading said street, erecting bridges and culverts, or any other matter as aforesaid, by which said company has been benefited, and the district put to expense.

May resume former locat'n

Term

Damages

Construction

SECTION 2. *If the commissioners of the district of Kensington, and the officers of said railroad company, cannot agree, as to the amount to be paid, if anything by said company under the provisions of the first section of this act, it shall be lawful for either party to petition to the court of quarter sessions of Philadelphia county, to appoint a jury of six men, to assess the same, and said court shall appoint a jury composed of six disinterested persons, citizens of the city or county of Philadelphia, none of whom shall be residents of the district of Kensington, who shall, after being duly sworn according to law, proceed to view and assess the damages, if any, sustained by said district, by reason of the premises, and their report, when made and approved by said court, shall be final, and said court shall make such order and decree, as to costs, as shall appear just and reasonable: *Provided,* That the legisla-*

Damages—how assessed

Proviso

ture reserves the right to revoke and annul the rights and privileges hereby granted, whenever the legislature shall think they are injurious to the public interest: *Provided however*, That no injury shall be done to the corporators.

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—The third day of May, eighteen hundred and forty-one.

DAVID R. PORTER,

[No. 115.]

AN ACT

Relative to the trial of certain actions for lands, in Schuylkill county, and for other purposes.

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 a certain action of ejectment now pending in the court of common pleas of Schuylkill county, of March term, one thousand eight hundred and forty, number ———, wherein John H. Cresson and others are plaintiffs, and Anthony F. Miller is defendant, be and the same is hereby transferred to the court of common pleas of the county of Montgomery, to be there tried at one of the regular terms of said court, in the same manner as it might have been if originally instituted in said last named court; and the record in said action shall be certified by the said court of common pleas of Schuylkill county, to the said court of common pleas of Montgomery county for trial as aforesaid; and, on final judgment, such writs of execution shall be issued as may be necessary to carry the same into full effect. *Provided*, That if on the trial of the said cause it shall appear that either party has been surprised by unexpected evidence, it shall be the duty of the said court either to adjourn or continue the said trial as they may deem best, on such terms as the court may deem equitable.

Schuylkill co
Cresson vs.
Miller transferred to Mont-
gomery co

Proviso.

SECTION 2. That all other actions of ejectment or trespass for mesue profits, relating to the lands embraced in the suit