

No. 22.

A Supplement

To the act incorporating the Southwark Fire Insurance company of the county of Philadelphia.

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 from and after the passage of this act, a majority of the commissioners appointed by the act to which this is a supplement shall be vested with all the powers and authorities granted to the commissioners appointed under the act of the fifteenth of April, one thousand eight hundred and thirty-four: and it shall and may be lawful for the stockholders, at any time after the letters patent shall have been issued by the Governor, to elect the directors, in manner and form as provided in the act aforesaid: and said directors so elected shall have all the power and authority vested in directors by said act, and shall hold their office until the first Monday of January, one thousand eight hundred and thirty-six.

JAMES THOMPSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

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

GEO: WOLF.



No. 23.

An Act

To authorize the Philadelphia and Trenton rail-road company to construct a viaduct across the river Delaware.

WHEREAS, The Philadelphia and Trenton rail-road company was incorporated by an act of the General Assembly of this Commonwealth, on the twenty-third day of February, in the year of our Lord one thousand eight hundred and thirty-two, to locate and construct a rail-road of one or more tracks, from the district of Kensington, to a point at or near the Trenton Delaware bridge: *And whereas,* the said company has constructed the said road: *And whereas,* it appears to the Legislature that the public generally, and particularly the citizens of

Preamble.

Pennsylvania who may have occasion to travel on said rail-road, would be greatly accommodated by the construction of a viaduct across the Delaware river, so that the cars of said rail-road company may pass over to the Jersey side of the river : Therefore,

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 said Philadelphia and Trenton rail-road company shall have power to construct a bridge or viaduct across the Delaware river, at any point which may be convenient for that purpose, of sufficient width to lay down a double track of rails, for the accommodation of their rail-road cars, and to enable them to cross to the Jersey side of the river ; and also to purchase, take, hold and enjoy, to them, their successors and assigns, in fee simple, or for any less estate, on the Pennsylvania side of said river, all such lands as may be necessary and convenient to them, for the accommodation and protection of their cars, and other necessary property, or that may be necessary for their full enjoyment of the powers and privileges hereby granted, and to erect all necessary buildings thereon : *Provided,*

Authority to construct a bridge or viaduct across the Delaware river. Width.

May enjoy in fee simple such lands as may be necessary for the protection of their cars and other property **Proviso.**

That the said bridge or viaduct shall not be used for any other purpose than for the passage of the cars, horses, locomotives and other necessary machines and carriages of the said company, with their passengers and contents, and the agents and the necessary laborers and men employed by the said company ; and that it shall be the duty of the said company to keep the said bridge or viaduct closed, so that no other person or property may pass over the same : *And provided also,* That the said company shall so erect the said bridge or viaduct, as in no wise to injure stop or interrupt the navigation of the said river, or prevent boats or rafts from passing by the same.

2d Proviso.

Comp'y shall have power to extend r. road from its present termination to said viaduct. Power to enter on lands and to obtain materials.

SECTION 2. The said company shall have power to extend their rail-road from the point where it now terminates, to the said bridge or viaduct ; and that they, their agents, and all persons employed by or under them, for the purposes contemplated in this act, shall have power to enter on any land which they shall deem necessary for laying out the rail-road between its present termination and the bridge or viaduct, and also for the purpose of searching for stone, gravel, wood, or other materials, for constructing the same ; but no stone, gravel or wood shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed as to the compensation for lands over which said road may be laid, and the said bridge or viaduct erected.

SECTION 3. In case the said company and the owner or owners of the lands required by the said company, for the purpose of carrying into effect the objects of this act, shall not

agree upon the price of the said lands, or in case the said owner or owners shall be legally incapacitated to make such agreement, then it shall be lawful for the said company to apply to the Court of Common Pleas of the county in which the land lies, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of the said county, who, after being duly sworn or affirmed, before any justice of the peace of the same, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said lands, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands, and shall report what sum shall be paid by said company for the same, which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them, and filed in the office of the prothonotary of the said court, within five days after they shall have agreed upon and signed the same; and the said report, having been confirmed by the said court, and the said company having paid the said owner or owners the several sum or sums awarded to be paid to them in and by the said report, together with the fees of the said arbitrators, at the rate of one dollar to each for every day employed in the said business, and their necessary expenses, the said company shall be entitled to have and to hold, to them and their successors and assigns for ever, the said lands, as fully and effectually as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon, and not before, for the said company to enter upon the said lands, and to extend the said rail-road, as well as to commence and complete the erection of the said bridge or viaduct.

SECTION 4. If any person or persons shall wilfully cut, destroy, break or remove from the said bridge or viaduct, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge or viaduct, or otherwise wilfully or maliciously damage the same, he, she or they so offending, shall forfeit and pay for every such offence, over and above the damages done to said bridge or viaduct, any sum not exceeding one hundred dollars, to be recovered as debts of an equal amount are by law recoverable.

JAMES THOMPSON,
Speaker of the House of Representatives.

JACOB KERN,
Speaker of the Senate.

APPROVED—The ninth day of February, one thousand eight hundred and thirty-five.

GEO: WOLF.