

To amend an act, approved the seventeenth day of May, one thousand nine hundred nineteen (Pamphlet Laws, two hundred and five), entitled "An act to amend section one of an act, approved the fifth day of May, one thousand eight hundred and thirty-two, entitled 'An act regulating lateral railroads,' by extending the provisions thereof to any person or persons, corporation of the first or second class, partnership, municipal or quasi-municipal corporation, school or poor district of the State of Pennsylvania, incorporated under general or special act of Assembly, being the owner or owners of land, mills, quarries, coal-mines, lime-kilns, or other real estate, in the vicinity of any railroad, canal, or slack-water navigation, made or to be made by any company or by the State of Pennsylvania, and not more than four miles distant therefrom"; increasing the length of lateral railroads.

Lateral  
railroads.

Section 1. Be it enacted, &c., That an act, approved the seventeenth day of May, one thousand nine hundred nineteen (Pamphlet Laws, two hundred and five), entitled "An act to amend section one of an act, approved the fifth day of May, one thousand eight hundred and thirty-two, entitled 'An act regulating lateral railroads,' by extending the provisions thereof to any person or persons, corporation of the first or second class, partnership, municipal or quasi-municipal corporation, school or poor district of the State of Pennsylvania, incorporated under general or special act of Assembly, being the owner or owners of land, mills, quarries, coal-mines, lime-kilns or other real estate, in the vicinity of any railroad, canal, or slack-water navigation, made or to be made by any company or by the State of Pennsylvania, and not more than four miles distant therefrom," which reads as follows:—

Section 1, act of  
May 5, 1832 (P.  
L. 501), as  
amended by act  
of May 17, 1919  
(P. L. 205),  
cited for  
amendment.

"Section 1. That if any person or persons, corporation of the first or second class, partnership, municipal or quasi-municipal corporation, school or poor district of the State of Pennsylvania, incorporated under general or special act of Assembly, being the owner or owners of land, mills, quarries, coal-mines, lime-kilns, or other real estate, in the vicinity of any railroad, canal, or slack-water navigation, made or to be made by any company or by the State of Pennsylvania, and not more than *four* miles distant therefrom, shall desire to make a railroad thereto over any intervening lands, he, it, or they, their engineers, agents, and artists, may enter upon any lands, and survey and mark such route as he, it, or they shall think proper to adopt, doing no damage to the property explored, and thereupon may present a petition to the court of common pleas of the county in which said interven-

ing land is situated, setting forth his, its, or their desire to be allowed to construct and finish a railroad in and upon the said route, and the beginning, courses, and distances thereof, and place of intersection of the main railroad, canal, or slack-water navigation, which shall be filed and entered of record in the said court, whereupon the said court shall appoint six disinterested and judicious men, resident in said county, who shall view the said marked and proposed route for a railroad and examine the same; and if they, or any four of them, shall deem the same necessary and useful for public or private purposes, they shall report in writing to the subsequent term of said court what damages will be sustained by the owner or owners of said intervening land by the opening, constructing, completing, and using the said railroad, and the report of the land viewers and appraisers shall be filed of record in the said court, and if not appealed from, be liable to be confirmed or rejected by the said court as to right and justice shall appertain; and if either of the parties shall be dissatisfied with said report, he, it, or they may appeal therefrom to the said court of common pleas within twenty days after such report has been filed in the prothonotary's office, *and not after*; and after such appeal, either party may put the cause at issue in the form approved of by the court, and the said issue shall be placed first on the trial list of the next regular term of the said court, and be there tried and determined by the court and jury; and the verdict so rendered, and judgment thereon shall be final and conclusive, without further appeal or writ of error, and it shall be the duty of the said viewers and jury to take into consideration the advantages which may be derived by the owner or owners of land passed by the said railroad, when making up their report or forming their verdict thereon," is hereby amended to read as follows:—

Section 1. That if any person or persons, corporation of the first or second class, partnership, municipal or quasi-municipal corporation, school or poor district of the State of Pennsylvania, incorporated under general or special act of Assembly, being the owner or owners of land, mills, quarries, coal-mines, limekilns, or other real estate, in the vicinity of any railroad, canal, or slack-water navigation, made or to be made by any company or by the State of Pennsylvania, and not more than *six* miles distant therefrom, shall desire to make a railroad thereto over any intervening lands, he, it, or they, their engineers, agents, and artists, may enter upon any lands, and survey and mark such route as he, it, or they shall think proper to adopt, doing no damage to the property explored; and thereupon may

Who may  
build.

Length.

Eminent  
domain.

Right of entry.

Petition to  
court.

Appointment  
of viewers.

Report.

Confirmation  
or rejection  
by court.

Appeal.

Viewers and  
jury to con-  
sider advantages  
to owners.

present a petition to the court of common pleas of the county in which said intervening land is situated, setting forth his, its, or their desire to be allowed to construct and finish a railroad in and upon the said route, and the beginning, courses, and distances thereof, and place of intersection of the main railroad, canal, or slack-water navigation, which shall be filed and entered of record in the said court; whereupon the said court shall appoint six disinterested and judicious men, resident in said county, who shall view the said marked and proposed route for a railroad, and examine the same; and if they, or any four of them, shall deem the same necessary and useful for public or private purposes, they shall report in writing to the subsequent term of said court what damages will be sustained by the owner or owners of the said intervening land by the opening, constructing, completing, and using the said railroad, and the report of the land viewers and appraisers shall be filed of record in the said court, and if not appealed from, be liable to be confirmed or rejected by the said court as to right and justice shall appertain; and if either of the parties shall be dissatisfied with said report, he, it, or they may appeal therefrom to the said court of common pleas within twenty days after such report has been filed in the prothonotary's office; and after such appeal, either party may put the cause at issue in the form approved of by the court, and the said issue shall be placed first on the trial list of the next regular term of the said court, and be there tried and determined by the court and jury; and the verdict so rendered, and judgment thereon, shall be final and conclusive, without further appeal or writ of error; and it shall be the duty of the said viewers and jury to take into consideration the advantages which may be derived by the owner or owners of land passed by the said railroad, when making up their report or forming their verdict thereon.

APPROVED—The 21st day of May, A. D. 1921.

WM. C. SPROUL.