

pointed judge, who shall give notice of said election, at least eight days before said election is to be held, by at least three advertisements, put up in the most public places in said borough.

JAMES THOMPSON,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eleventh day of April, Anno Domini, eighteen hundred and thirty-five.

GEO: WOLF.

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No. 124.

A further Supplement

To an act entitled An act authorizing the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail-road company, passed the seventh day of February, Anno Domini one thousand eight hundred and twenty-eight, and to authorize the Danville and Pottsville Rail-road company to extend their road.

Construct
substantial
rail-roads and
lat. branches.

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 Mill Creek and Mine Hill Navigation and Rail road company are hereby authorized to construct good and substantial rail roads, with a sufficient number of lateral branches, to accommodate the trade from about the junction of the present Little Wolf creek branch rail-road with the said companys road to the upper coal mines on said Little Wolf creek, and also from where the present lateral road leading to the landings in the town of Port Carbon, leaves the main road to Coal street in said town, a distance of about two hundred yards, subject to the same regulations and restrictions as are provided in the act to which this is a supplement, and the several supplements thereto.

Time extend-
ed to 1st Jan.
1841.

SECTION 2. The time allowed for finishing the second track of said Mill Creek and Mine Hill Navigation and rail road be and is hereby extended to the first day of January one thousand eight hundred and forty-one.

May increase
toll.
Proviso.

SECTION 3. The said company may increase the toll on said branch rail roads until they yield fifteen per cent on the capital invested in said branch roads: *Provided,* That in no event shall the toll exceed four cents per ton per mile in that proportion for the distance actually travelled on them and no

more: *And provided also*, That the said company shall file ^{2d} Proviso. their intentions to accept both or either of the branch roads mentioned in the first section of this act, in the office of the Secretary of the Commonwealth, and shall commence the work within sixty days after the passage of this act, otherwise this act to be null and void.

SECTION 4. The Danville and Pottsville rail road company are hereby authorized to extend the Danville and Pottsville rail road from its termination at Mount Carbon, in Schuylkill county, in the State of Pennsylvania, to a point at or near Port Clinton in said county, under and subject to the provisions of the act or acts now relating to said company: *Provided*, The said extension is commenced within five years and completed within seven years. Danville and Pottsville co. authorized to extend r. road

JAMES THOMPSON,
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The eleventh day of April, Anno Domini, eighteen hundred and thirty-five.

GEO: WOLF.



No. 125.

A further Supplement

To the several acts relative to partitions.

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 writs of partition may be sued by parties interested in real estate, and the same proceedings be had, notwithstanding there may be a life estate in part or parts of the property, with remainders over in fee: *Provided*, That all the persons interested shall be made parties: *And provided also*, That those in remainder shall have the right to take such part as shall be awarded to them, on giving sufficient security, to be approved by the court, for the payment of the annual interest of such part to the tenant for life, unless it shall appear to the court, that such tenant for life is entitled to the exclusive possession of any part of the premises described in the writ of partition, in which case, the proceedings shall not interfere with the right of possession of such tenant, without his consent, but may be had subject to such possession, or such part of the premises may remain undivided during the existence of the life How writs of partition may be sued.
Proviso.
2d Proviso.