

more: *And provided also*, That the said company shall file <sup>2d</sup> 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.

estate, unless otherwise disposed of by the agreement of parties interested.

Execution of writ.

SECTION 2. In executing the writ of partition, the sheriff and inquest shall have power to divide the property into such number of purparts as shall appear to them most convenient and advantageous, without regard to the number of parties in interest, and to value each purpart.

Costs.

SECTION 3. The costs in partition shall be paid by all the parties in proportion to their several interests.

Service of summons, how made.

SECTION 4. The service of the summons in partition and of notice of the inquisition shall be made by the sheriff on all the parties resident in the county where the land lies, personally or by copy left at their place of abode, at least twenty days before the return day of the writ, or the day of taking the inquisition, and on parties residing out of the county by publication, in such newspaper, as the court may direct, for six weeks previous to said days, the costs of such publication to be paid out of the estate.

JAMES THOMPSON,  
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and thirty-five.

GEO: WOLF.



No. 126.

## An Act

Providing for the further improvement of the State by rail-roads and canals.

SECTION 1. *Be it enacted by the Sena'e 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 following sums be and hereby are specifically appropriated for the following purposes respectively, to wit: for the payment of the expenses of the contracts made for the completion of the following public works, as authorized to be completed by an act passed on the fifth day of April, one thousand eight hundred and thirty-four: for the Philadelphia and Columbia rail-way, \$110,600. Alleg. Port. r. \$146,600. Lycom'g line (canal,) Lewisburg & B. Eagle s. cuts, \$47,000. for the Allegheny Portage rail-way one hundred and forty-six thousand six hundred dollars: for the Lycoming line of the West Branch division of the Pennsylvania canal, and the