

want of which the inhabitants of said county labour under great inconveniences : For remedy whereof,

SECT. II. *Be it enacted and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That it shall and may be lawful for Benjamin Davis, Michael Rough, John Shields, John Pomroy, and Hugh Martin, of the county of Westmoreland, or any three of them, to purchase and take assurance, in the name of the commonwealth, of a piece of land, in trust for the use of the inhabitants of Westmoreland county : Provided said piece of land be not situate further east than the nine-mile run, nor further west than Brushy run, further north than Loyalhanna, nor further south than five miles south of old Pennsylvania road leading to Pittsburg ; on which piece of ground said commissioners shall erect a court-house and prison, sufficient to accommodate the public service of the said county.

[SECT. III. *And be it further enacted by the authority aforesaid,* That for defraying the charges of purchasing the land, and building and erecting the court-house and prison aforesaid, it shall and may be lawful to and for the commissioners of the said county to assess and levy, and they are hereby required to assess and levy, so much money as the said trustees, or any three of them, shall judge necessary for purchasing the said lands, and finishing the said court-house and prison : Provided that the sum of money so to be raised does not exceed the sum of one thousand pounds, current money of this state.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the act of General Assembly of this commonwealth, entitled "A supplement to an act for erecting a part of the county of Bedford into a separate county," shall be, and the same is hereby, repealed, and made null and void.]

Passed 13th September, 1785.—Recorded in Law Book No. III. page 22,

CHAPTER MCLXIX.

An ACT to compel the speedy settlement, and the paying or securing of the debts due to this state for lands held by location or other office right, obtained before the tenth day of December, one thousand seven hundred and seventy-six, and yet remaining unpaid.

SECT. I. WHEREAS, in and by an act of the General Assembly of this commonwealth, passed the seventh day of April, one thousand seven hundred and eighty-one, entitled "An act for emitting the sum of five hundred thousand pounds, in bills of credit, for the support of the army, and for establishing a fund for the redemption of the same, and for other purposes therein mentioned," it was enacted and declared, that, together with the guarantee of the honour and faith of Pennsylvania, which was thereby given, so much as should be sufficient of the arrearages and sums of money due to this state, for lands theretofore granted or claimed by virtue

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Commissioners appointed to purchase a piece of land for the use of the county, within certain boundaries.

The expense how to be defrayed ;

and limitation of the amount.

[Repeal of a preceding law. Chap. 1069.]

[See chap. 1083. ante. pa. 102, and the notes thereto subjoined.]
[The whole of this act, except the 9th and 10th sections, is obsolete.]

1785. of warrants, locations surveys, or any other title, that might be deemed good and valid according to the law, custom or usage, in force under the late government, should be, and thereby was pledged and declared to be a fund, out of which the bills of credit aforesaid should be redeemed and cancelled, within the term of five years from the passing of the said act; that is to say, the one fifth thereof yearly and every year, until the whole should be redeemed and cancelled as aforesaid:

SECT. II. And whereas, in and by one other act of the General Assembly, passed the ninth day of April, one thousand seven hundred and eighty-one, entitled "An act for establishing a Land-Office, and for other purposes therein mentioned," it was, among other things, enacted and declared, that all purchase money due for lands in this state, taken up, or entries thereof made, by any grant, licence, warrant, application, or office right whatever, before the tenth day of December, one thousand seven hundred and seventy-six, should be paid in to the Receiver-General of the Land-Office, the one fourth part thereof in one year, one other fourth part thereof in two years; one other fourth part thereof in three years, and the residue thereof in four years, after the passing of the said act, under certain penalties in the said act mentioned, and that on the payment of such purchase money, together with the legal fees of office, patents, duly executed, should be issued for every such tract or parcel of land:

SECT. III. And whereas, in and by another act of the said General Assembly, passed the fifth day of April, one thousand seven hundred and eighty-two, entitled "An act to vest certain powers in the President of the state, together with the other officers therein named, and for other purposes therein mentioned," it was, for the reasons therein mentioned, among other things, enacted and declared, that the said respective times and periods affixed and mentioned by the act aforesaid, for the payment of the purchase money due on the lands aforesaid were and should be enlarged for the space of two years, over and above the said dates and times respectively:

[Chap. 953.]

SECT. IV. And whereas a large proportion of the debts, so as aforesaid assigned and pledged as a fund for the redemption of the bills of credit emitted by virtue of the act first above recited, still remain due to the state, and it is just and necessary that the same should be duly collected, and that the said bills of credit should be redeemed and cancelled, according to the true intent and meaning of the several acts herein before recited:

SECT. V. And whereas, from the scarcity of money yet prevailing in such parts of the state as have, till lately, been desolated or disturbed by hostile invasion, some of the persons indebted to the state as aforesaid may be unable to pay the whole of their respective debts, within the times limited and described by law, and it is the desire of the legislature to grant to such persons such further relief and indulgence, as may be given consistently with the honour and interests of the state: Therefore,

SECT. VI. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That it*

shall and may be lawful to and for all and every person or persons, who are or shall be entitled, either in law or equity, to any lands in this state, within the limits of the purchase or purchases made from the Indians before the declaration of the independency of the United States, by virtue of any grant, warrant, location, or office right whatsoever, made or accrued before the tenth day of December, in the year of our Lord one thousand seven hundred and seventy-six, upon which a patent or patents have not been issued, and such person and persons are, hereby, severally enjoined and required, as soon as conveniently may be, to apply to the proper officers of the Land-Office, and to settle and adjust the sum and sums of money due to the state, for the purchase of such lands respectively, and to pay or secure the same in manner herein after mentioned; that is to say, on the settlement and ascertainment of the sum of money due, for principal and interest, on any such tract or parcel of land, the debtor, or party rightfully claiming a patent for such land, may pay the sum of money so due, or any part thereof, in such manner as is now lawful for making such payment, or secure the same, by giving bond for the whole, or the residue thereof, as the case may be, to the President of the Supreme Executive Council for the time being, for the use of the state, conditioned for the payment of the sum due, in five equal annual payments, together with the whole interest which shall be due on such bond, at each and every of the said periods respectively, the first of which said payments shall become due, and be paid, on or before the tenth day of April, which will be in the year of our Lord one thousand seven hundred and eighty-seven, and the said bonds shall be so drawn and construed, as that each and every of the said annual payments may be prosecuted for, and recovered, as they respectively become due, as fully and effectually, as if the time for making the last and final payment were elapsed; and upon such bond duly executed being lodged with the Receiver-General of the Land-Office, he shall certify the same, and the party rightfully claiming, shall, thereupon, and on payment of legal office fees, be entitled to and receive a patent for such lands, in such manner as if the purchase money were fully paid: *Provided always*, That such patent shall not be available, so as to entitle the party obtaining the same, to grant, convey or mortgage the lands or estate therein mentioned, other than to the President, for the use of the state, until the grantee or grantees, therein named, shall have made and duly executed a mortgage for the estate therein granted to the President as aforesaid, for the further securing of the payments to be made, according to the terms and conditions of the aforesaid bond, which mortgage the said Receiver-General is hereby authorized and directed to procure and take in every such case, and to endorse a note of the sum due, and conditions of payment, on the back of every such patent.

SECT. VII. *And be it further enacted by the authority aforesaid*, That every such mortgage as aforesaid shall be recorded in the office of the Secretary of the Land-Office, in a book to be provided and kept by the said Secretary, which record shall be as good and available, to all intents and purposes, as if such mortgage had been

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Proceedings, in the case of lands upon rights accruing before the 10th of December, 1776.

Patentees to execute mortgages of their lands, for securing the payment of the purchase money

Such mortgages, how and where to be recorded.

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recorded in any other office or county within this state, any law, usage or custom, to the contrary in anywise notwithstanding.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the Receiver-General of the Land-Office, for drawing, taking and certifying every such bond and mortgage as aforesaid, shall be entitled to demand and receive, from the party executing the same, the sum of seven shillings and six-pence, and no more; and the Secretary of the Land-Office, for recording and certifying, in the usual manner, on the back of every such mortgage, that it is recorded, shall be entitled to receive, from the said party, five shillings, and no more.

SECT. IX. And whereas many of the settlers upon the lands on the northern and western frontiers of this state have been very great sufferers by the ravages of the Indians during the late war, and thereby have, for many years, been prevented from the cultivation of the lands possessed by them, and it is reasonable, that during the continuance of the late war the interest accruing upon the purchase money due, and payable as aforesaid, by all actual settlers on said lands, their heirs or successors, whose habitations were rendered desolate by the Indians in the course of the late war, should be exonerated:

SECT. X. *Be it therefore enacted, and it is hereby enacted by the authority aforesaid,* That all actual settlers residing on the northern and western frontiers of this state, and who have been driven by the Indians from their habitations in the course of the late war, they, or their legal representatives, shall be exonerated and acquitted of the interest accruing upon the purchase money due, and payable as aforesaid, from the first day of January, which was in the year one thousand seven hundred and seventy-six, until the first day of July, in the year one thousand seven hundred and eighty-four, provided they respectively pay or secure the purchase money of the lands by them severally claimed, in the manner and within the time herein before mentioned: *Provided also,* That the persons applying for the benefit of the said exoneration do prove, by the oath of a credible person, taken before a Justice of the peace for the proper county, or before a member of the Supreme Executive Council, that the person, in whose right aforesaid benefit is claimed, was, in the course of the last war, actually driven from his habitation on the said land through force or fear of the Indians, and that the said plantation was consequently left without inhabitants.

[**SECT. XI.** *And be it further enacted by the authority aforesaid,* That if any person or persons so entitled, as aforesaid, to any lands within said Indian purchase in this state, and yet remaining unpatedented, shall refuse or neglect to pay or secure the purchase money, or arrearages of purchase money, due to the state, and demand a patent for the same, in the manner herein before directed, on or before the tenth day of April, which will be in the year of our Lord one thousand seven hundred and eighty-seven, every such person and persons, so neglecting or refusing, shall be barred and precluded from the benefit intended by this act, with respect to further time of payment, and shall be forthwith prosecuted and proceeded against,

Fee for certifying and recording bonds and mortgages.

Exonerations of interest in certain cases.

Limitation of time for applying for patents.

for the monies due on such lands, by sale of the said lands, according to law, without further delay.]

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Passed 16th September, 1785.—Recorded in Law Book No. III. page 24.

CHAPTER MCLXX.

An ACT to establish a ferry from the south-west side of the Monongahela, opposite to the town of Pittsburgh.

SECT. I. A PUBLIC ferry established from the south-west side of Monongahela river, opposite to the town of Pittsburg, and vested in Jacob Bausman, his heirs and assigns, subject to such rates and regulations as the legislature may in future direct.]

Passed 16th September, 1785 —Recorded in Law Book No. III. page 24.

CHAPTER MCLXXI.

An ACT to re-establish the ancient Corporation of the borough of Bristol, in the county of Bucks.

SECT. I. [LETTERS patent to issue from the Executive Council, to re-establish the ancient corporation; and all the corporate privileges under the old charter vested in the new officers. The qualification of the electors and elected, prescribed.]

Passed 16th September, 1785.—Recorded in Law Book No. III. pa. 23:

CHAPTER MCLXXVI.

An ACT concerning divorces and alimony.

SECT. I. WHEREAS it is the design of marriage, and the wish of parties entering into that state, that it should continue during their joint lives, yet where the one party is under natural or legal incapacities of faithfully discharging the matrimonial vow, or is guilty of acts and deeds inconsistent with the nature thereof, the laws of every well regulated society ought to give relief to the innocent and injured person: Therefore,

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That where a marriage hath been heretofore or shall hereafter be contracted and celebrated between any two persons, and it shall be adjudged, in the manner hereinafter mentioned, that either party at the time of the contract was and still is naturally impotent or incapable of procreation, or that he or she hath, knowingly, entered into a second marriage, in violation of the previous vow he or she made to the former wife or husband, whose marriage is still subsisting, or that either party hath committed adultery, or wilful and ma-

Causes of divorce from the bonds of matrimony.