

CHAPTER MMCDXCV.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT CONCERNING DIVORCES AND ALIMONY."⁽¹⁾

Section I. (Section I, P. L.) 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 all marriages, within the degree of consanguinity, or affinity, according to the table established by law, are void to all intents and purposes; and it shall and may be lawful for the courts hereinafter mentioned, or any of them, to grant divorces from the bonds of matrimony; and the parties shall be subject to the like penalties as are contained in an act⁽²⁾ against incest.

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That any person who hath been or shall be injured in any of the ways mentioned in the second section of the act⁽¹⁾ to which this is a supplement, may apply in the manner prescribed by the third section of the said act, to the judges of the supreme court, in term time, or at any circuit court, or to one or more of them in vacation, or to the judges of the courts of common pleas of the proper county; and like proceedings shall be had, in order to compel the appearance of the party complained against, as are directed to be had in and by the said third section of the act⁽¹⁾ aforesaid, either at the next supreme court, circuit court, or court of common pleas, as the case may be; and the said courts, respectively, shall have like powers in all things touching divorces and alimony, as the judges of the supreme court now have by virtue of the act⁽¹⁾ to which this is a supplement: Provided always, that the proclamation directed by the act⁽¹⁾ aforesaid, to be made by the sheriff of the city and county of Philadelphia, at the market place, shall be made by the said sheriff, or by the sheriff of the proper county, as the case may require, on three several days, in term time, at the court-house

of the city or county where any such application shall have been made; and that the notices to the party against whom a subpoena shall have issued, shall be given in some public newspaper printed in the city of Philadelphia, or in the proper county, or in some adjoining county, in case no paper is printed in the county where such application shall be made, for four successive weeks: And provided also, that when a trial by jury is to be had as to any controverted matters of fact, the same shall be in any of the above mentioned courts, when sitting, in the city or county where the fact is charged to have arisen.

Section III. (Section III, P. L.) And be it further enacted by the authority aforesaid, That either of the parties, in any suit or action to be brought in pursuance of this act, or the act⁽¹⁾ to which this is a supplement, after any final sentence or decree given, may appeal therefrom to the supreme court, or to the high court of errors and appeals, as the case may require, upon entering into a recognizance, in manner and form, as is prescribed by the twelfth section of the act⁽¹⁾ to which this is a supplement, to the court or some judge thereof, from which such appeal shall be made.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That so much of the act, entitled "An act against incest,"⁽²⁾ as is hereby altered or supplied, be and the same is hereby repealed.

Approved April 2, 1804. Recorded in L. B. No. 10, p. 9.

Note (1) Chapter 1387; 12 Statutes at Large p. 94.

Note (2) Chapter 120; 2 Statutes at Large p. 178.

CHAPTER MMCDXCVI.

AN ACT TO PROVIDE FOR OPENING AND IMPROVING A ROAD THROUGH IGOE'S NARROWS, IN THE COUNTY OF HUNTINGDON.

Whereas the citizens of Huntingdon county have, by their petition to the legislature, set forth the great advantages that would result to the community from the improvement of the road leading from the borough of Huntingdon through