

by the husband to take the wife back, the court would deliberately examine all the circumstances which had led to that offer; but the reality and sincerity of the reconciliation can only be known to the parties themselves, with the different grounds which have influenced their conduct. Had we even the power we have not materials sufficient to ascertain which of them was most liable to blame in their family broils, or to what sources their domestic discontents are to be ascribed. I content myself with observing, that sufficient evidence appears to place the wife in a most unamiable point of view. She has spread her own bed, and there she must be contented to lie, though it may now appear to her a bed of torture. I am of opinion the attachment should be quashed.

Brackenridge, J. concurred. 2 Binney, 202.

On issuing subpoenas in cases of divorce, a rule may be made to take depositions before the return thereof, *anon.* in Sup. court, September, 1794, (MSS. Reports.)

On a libel for divorce from bed and board, the facts, when contested, shall be tried by the court, *per testes Carre v. Carre.* Sup. Court, March term, 1797, (MSS. Reports.)

A marriage had, and the first husband being in full life, a second marriage of the woman is merely void, though her first husband has been absent eight or nine years. *Kinley v. Kinley*, same term, in Sup. Court. (MSS. Reports.)

1785.

On a sentence of divorce, the wife's disclaimer of alimony, is not a perpetual bar to future applications.

Where there has been a reconciliation between the parties, after a divorce, a new divorce is necessary to found the wife's claim of alimony. *M^cKarracher v. M^cKarracher*, Supreme Court, September, 1800. (MSS. Rep.)

It is not indispensably necessary to name the *particeps criminis* in a libel for a divorce, founded on a supposed adultery.

Where such libel states the adultery to be committed, with *E. P.* and other lewd women unknown, the times and places, and attendant circumstances, should be specified in a written notice before trial, without requisition; and if their names should become known, they should also be specified. The party failing herein, should be confined in the evidence, to acts of adultery committed with *E. P. Garrat v. Garrat*, in the supreme court, September, 1803. (MSS. Reports.)

CHAPTER MCLXXVIII.

An ACT to appropriate the sum of two thousand pounds, of the public monies, to the laying out and making of an highway from the western parts of Cumberland county to the town of Pittsburg, and to authorize the President in Council to appoint commissioners to lay out the same.

[COMMISSIONERS to be appointed to lay out a State Highway from Miller's Spring, in Cumberland county, in as direct and straight a manner as the circumstances of the country and the situation of the ground would admit. Proceedings of the commissioners therein directed, report to be made to the Executive Council, who had power to direct reviews; and to judge of and finally determine the course and direction of said Highway. The road to be of the breadth of sixty-feet. "And the said highway when it shall be so established, shall be and remain, to all intents and purposes, the State highway between the western parts of the county of Cumberland, and the town of Pittsburg; and the courses and distances, and other circumstances of the said highway, shall be entered at length in the council book, which entry shall be deemed a record thereof."

The residue of the act provided for the compensation of the commissioners; and the appropriation of the money (§ 2000,) for improving the road, and the manner in which it should be accounted for.

1785. All the act, except the part between inverted commas above, is obsolete.]

Passed 21st September, 1785.—Recorded in Law Book, No. III. pa. 46. (f)

(f) The road here directed, being surveyed and laid out in part, was confirmed in council, on the 24th of November, 1787; to wit, from the widow Miller's spring, through Shippensburg, as far as the town of Bedford, but a review was ordered of the other part from Bedford to Pittsburg. By a resolution of the General Assembly, of the 21st of November, 1788, the Executive was authorized to draw for the amount of the expenses to be incurred in making that review; by an order of Council of the 14th of March, 1789, the surveyors were accordingly appointed; and on the 26th day of May, 1790, they presented their report. (Note to former edition.)

CHAPTER MCLXXII.

An ACT for regulating the measurement of corn and salt imported into the port of Philadelphia. (g)

SECT. I. WHEREAS, by an ordinance of the late corporation of the city of Philadelphia, a measurer of corn and salt was appointed, with certain powers and under certain regulations, which have been variously exercised and attended to since the revolution, but without any express provision by law, and it is necessary to establish such an officer, and to prescribe his duties and power:

SECT. II. *Be it therefore 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 there be appointed, by the Supreme Executive Council of this commonwealth, some proper and discreet person, to be the measurer of all kinds of corn and salt imported or brought into the port and city of Philadelphia for sale; which officer, before he enters on the duty of the office, shall take and subscribe, before one of the Judges of the court of Common Pleas for the county of Philadelphia, an oath or affirmation, that he will, in all things, well and faithfully execute the office of measurer of corn and salt within the city and port of Philadelphia, according to the best of his knowledge and ability, and the directions contained in this act.

SECT. III. *Be it further enacted by the authority aforesaid,* That the duty of the said officer shall be,

To provide, at his own cost, a sufficient number of barred half bushel measures for corn, and unbarred half bushel measures for salt, made of dry well seasoned white oak, and to have the same compared with and regulated by the public standard half bushel measure kept in the city of Philadelphia, at least twice in every year that the same shall be used:

To employ a sufficient number of able bodied and trusty persons, to act as his deputies, in the measuring and striking all kinds of corn

(g) On the 28th of March, 1788, an act was passed, by which the measurer of corn and salt is also made the measurer of imported coal; and pro-

vision is made for the admeasurement of lime, in disputed cases. (chap. 1230.) (Note to former edition.)

A measurer of corn and salt to be appointed.

His oath of office.

The duty of the measurer; to provide measurers;

to employ deputies;