

thority of the same, That all and every of the laws, ordinances or acts of assembly of the province of Pennsylvania which at any time before the publication of this act have been transmitted to the Privy Council and have been adjudged to be void by the said late King or his successors in his or their Privy Council, though the same were not declared to be void under the privy seal (according to the terms of the said royal charter), shall nevertheless be deemed, taken and allowed to be void to all intents and purposes whatsoever from the time of such declaration, in the same manner as if the said laws had been adjudged and declared to be void by the said late King or his successors or any of them under his or their privy seal, the want of the said privy seal or any other formality in such declaration in anywise notwithstanding.

Passed January 19, 1733-34. See Appendix X, Section I.

CHAPTER CCCXXXIV.

AN ACT THE BETTER TO ENABLE WILLIAM FISHBOURN TO DISCHARGE THE DEBT DUE FROM HIM TO THE TRUSTEES OF THE GENERAL LOAN OFFICE OF THIS PROVINCE.

Whereas the trustees of the general loan office of this province, by virtue of an act of assembly of this province, and for securing a debt of one thousand seven hundred and seventy-nine pounds, eighteen shillings and three farthings due the said province, did take and receive a mortgage of the lands, tenements and hereditaments hereinafter set forth: (That is to say) one dwelling-house and lot of land situate, lying and being in the city of Philadelphia, twenty-five feet in breadth, and extending from Front street to Second street; also one other house and lot adjoining, ten feet in breadth and two hundred and thirty-two feet in length, both which being estimated of value sufficient to secure the payment of five hundred and fifty pounds, part of the money due as aforesaid with the interest thereof; also a tract of land containing four hundred

and ninety-six acres situate in the county of Bucks, near Horsham, of value sufficient to secure two hundred pounds, other part of the money due as aforesaid with interest thereof; also three-fourth parts of the corn mills, saw mills and fulling mills with their appurtenances, with divers houses and lots of land and sixteen hundred acres of land adjoining, all situate, lying and being in Bristol in the county last aforesaid, of value sufficient to secure the payment of six hundred pounds, other part of the money aforesaid with interest; also a plantation containing two hundred acres of land situate at Horsham, in the county of Philadelphia, with a dwelling-house, kitchen, barn and the appurtenances, of value sufficient to secure two hundred pounds, other part of the mortgage-money aforesaid with the interest thereof; also an island of land and meadow containing about one hundred and fifty-one acres situate in Bristol aforesaid of value sufficient to secure the remainder of the mortgage-money aforesaid with the interest thereof.

And whereas the same William Fishbourn by his petition hath humbly set forth his earnest endeavors to have made sale of the said mortgaged premises to discharge his debt aforesaid with the interest thereof; but the said mortgaged premises being jointly secured for the said debt, it is conceived that by virtue of the act aforesaid no part of the said mortgaged premises can be sold so as that a title may be made to the purchaser without payment of the whole mortgage-money and interest due, and that no purchaser hath offered or is likely to offer able to pay down so much money as will be sufficient to that purpose, by reason whereof the said money and interest remains unpaid to his great injury, and praying a remedy may be provided him in the premises.

To the end, therefore, that the said William Fishbourn may be relieved in the premises and the mortgage-money and interest aforesaid the sooner paid:

[Section I.] Be it enacted by Patrick Gordon, Esquire, with the King's royal approbation Lieutenant-Governor under the Honorable John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, by and with the advice and consent of the represen-

tatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That it shall and may be lawful for the trustees of the general loan office aforesaid, and they are hereby empowered and required, that when and at any time and times hereafter as the aforesaid William Fishbourn or his heirs, executors, administrators or assigns, or any purchaser or purchasers for him or them or either of them, shall well and truly pay or cause to be paid unto them the said trustees the distinct value of any of the premises mortgaged as aforesaid according to the estimation aforesaid, together with the arrears of the interest-money which shall be then due on the whole of the mortgage-money aforesaid, they the said trustees or their successors in the same trust may and shall at the usual days and times of payment and in the usual manner release, acquit and discharge such part of the premises so mortgaged (the estimated value whereof shall be so paid and discharged), and so *toties quoties*, in like manner until the whole of the mortgaged premises shall be acquitted by the payment of the whole of the mortgage-money and interest that now is or hereafter may become due, anything in the act hereinbefore mentioned contained to the contrary thereof notwithstanding.

Provided always, That nothing herein contained shall be deemed, construed or understood to give the said William Fishbourn any other or further day or days of payment for the mortgage-money or any part thereof than in the act hereinbefore mentioned is provided, nor to debar the said trustees from taking such remedies for the recovery thereof as in and by the same act is directed.

Passed January 19, 1733-34. Never submitted to the consideration of the Crown. See note to the Act of Assembly passed February 6, 1730-31, Chapter 326.