

sidering the importance of his station, is not sufficient to enable the said officer to employ an able or sufficient clerk.

[Section VI.] (Section IX. P.L.) Be it therefore enacted by the authority aforesaid, That notwithstanding anything contained in the said act, the further additional sum of two hundred and fifty pounds per annum, over and besides the sum of five hundred pounds therein allowed to said secretary, shall be allowed and issued to him in order to enable him to provide and pay [an] able and sufficient clerk, and the same shall be drawn for in like manner as the salary before mentioned.

Passed September 17, 1785. Recorded L. B. No. 3, p. 37.

CHAPTER MCLXXXVI.

AN ACT TO ENABLE COMMISSIONERS THEREIN NAMED TO SETTLE THE ACCOUNTS OF THE MANAGERS OF A LOTTERY SET UP AND DRAWN FOR THE PURPOSE OF BUILDING NEWARK ACADEMY AND [A] GERMAN LUTHERAN CHURCH IN WHITPAIN TOWNSHIP IN PHILADELPHIA COUNTY AND REPAIRING NORRITON MEETING HOUSE AND EVERY OTHER PERSON CONCERNED THEREIN, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I. P.L.) Whereas it hath been represented by petition to the general assembly by Robert Porter, Robert Carry and William Armstrong, that they, in conjunction with others, were appointed managers of a lottery for the purpose of building Newark Academy and a German Lutheran Church in Whitpain township in Philadelphia county and repairing Norriton Meeting-House, and that although the said lottery hath been long since drawn and a great part of the money arising therefrom remains yet unpaid or [un]appropriated to the uses aforesaid.

And whereas the said petitioners have requested that a law may be passed appointing commissioners to settle with the managers and other persons concerned in the said lottery, their executors and administrators, and to recover by due course of law, if occasion should be the said moneys arising therefrom and to apply the same to the purpose for which the said lottery was intended:

Therefore:

[Section I.] (Section II. P.L.) 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 Michael Croll, Esquire, and Isaac McGlatharty of the county of Montgomery, and William Oliphant of the city of Philadelphia, be and they are hereby nominated and appointed commissioners to settle the accounts of the said lottery with the said managers and every other person and persons concerned therein, their executors, administrators or assigns.

(Section III. P. L.) And in order to enable them to execute and perform the said duty.

[Section II.] Be it enacted by the authority aforesaid, That all and every the managers and sellers of tickets concerned in the said lottery, their and every of their executors and administrators are hereby enjoined and required within three months next after publication hereof upon request to them or either of them made by the said commissioners to render fair and just accounts of the moneys by them or any of them received, with the debts to them or any of them due and owing, for or on account of tickets sold, and the names of the person or persons who stand indebted to the said managers or any of them their or any of their executors or administrators, for tickets sold as aforesaid, and upon settlement of such accounts with the said commissioners or a majority of them, then the said managers and sellers of tickets, and every of them, their and every of their executors and administrators, upon any sum of money found in their hands or from them or either of them due, or from any person or persons to them or either of them indebted for tickets purchased as aforesaid, shall and they are hereby enjoined and required forthwith to pay to the said commissioners, or a majority of them, the sums respectively due to the said lottery.

(Section IV. P.L.) And the better to enable the said managers and sellers of tickets to settle and pay off their respective balances to the said commissioners, all adventurers and purchasers of tickets in the said lottery are hereby strictly enjoined and

required forthwith to pay to the said managers and sellers of tickets all and every the sum and sums of money by them respectively owing and unpaid; and in default of payment as aforesaid it shall and may be lawful to and for the said commissioners or a majority of them and to and for the managers and sellers of tickets in the said lottery, to sue for and recover all such sums of money, by action of debt, action on the case, or otherwise as may be proper if above the sum of ten pounds, in any court of common pleas within this Commonwealth, if ten pounds or under before any justice of the peace and upon trial to give this act and other legal proof in evidence, and if it shall appear to the court and jury or to the jury or to the justice of the peace aforesaid, on any trial by virtue of this act before them respectively had that the sum demanded or any part thereof is justly due then the said court or justice respectively shall give judgment against the defendant for so much as shall appear to be due, with costs of suit, and shall award execution for the same as is usually done in like actions before them respectively, triable and determinable by the laws of this commonwealth. But if no part of the sum demanded shall appear to be due as aforesaid, then the said court and justice, respectively, shall give judgment for the costs against the plaintiff, which costs shall be paid out of the moneys recovered or collected by virtue of this act.

[Section III.] (Section V. P.L.) And be it further enacted by the authority aforesaid, That the said commissioners shall with all convenient speed, pay all and every sum and sums of money by them recovered and collected into the hands of such person or persons as shall be duly appointed to receive the same, after all prizes, necessary costs, and incidental charges are paid, which person or persons so receiving the said sum or sums of money are hereby enjoined and required to apply the said moneys to and for the uses for which the said lottery was intended.

[Section IV.] (Section VI. P.L.) And be it further enacted by the authority aforesaid, That this act and every article and thing therein contained shall be and continue in full force for and during the term of three years from the publication thereof

and from thence to the next sitting of the general assembly and no longer.

Passed September 17, 1785. Recorded L. B. No. 3, p. 39.

CHAPTER MCLXXXVII.

AN ACT CONCERNING DIVORCES AND ALIMONY.

(Section I. P.L.) 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:

[Section I.] (Section II. P.L.) 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 malicious desertion and absence without a reasonable cause for and during the term and space of four years in every such case it shall and may be lawful for the innocent and injured person to obtain a divorce not only from bed and board but also from the bond of matrimony itself.

[Section II.] (Section III. P.L.) And be it further enacted by the authority aforesaid, That if any person hath been or shall be injured in any of the ways before mentioned, the husband