

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a Session which commenced October 14th, 1763,
and ended September 22d, 1764.

1764.

JOHN PENN, LIEUTENANT GOVERNOR.

CHAPTER DX.

A SUPPLEMENT to the act, entitled An Act for taking lands in execution for payment of debts, and for confirming partitions in several instances heretofore made.

[This section is retrospective, and obsolete.]

Lands taken in execution by one Sheriff, and sold by his successor, to be valid in law.

WHEREAS some Sheriffs, or other proper officers, who have taken lands, tenements and hereditaments in execution, in pursuance of the act, entitled *An act for taking lands in execution for payment of debts*, have died, or have been removed, before any sale made thereof, or after sale, but before any deeds executed to the purchasers, whereupon, in case of death, sales have been made, or deeds executed by the successor, and, in case of removal, sometimes by the successor, and sometimes by the Sheriff, or other officer, so removed. And whereas sundry lands, tenements and hereditaments, taken in execution by virtue of writs of *feri facias*, have been sold, and deeds executed for them, without any writs of *venditioni exponas*, by reason whereof doubts have arisen, whether such sales are good and effectual in law, to the great inconvenience of purchasers and debtors: For remedy whereof, *Be it enacted*, That wherever a Sheriff, or other proper officer, who hath heretofore taken in execution any lands, tenements or hereditaments, in pursuance of the said act, hath died, or been removed from his office, by the expiration thereof, before sale made of such lands, tenements or hereditaments, or hath sold the same, but hath died, or been removed as aforesaid, before any deed executed by him to the purchaser, whereupon, in case of removal, sale hath been made, and a deed executed to the purchaser for the premises, either by the Sheriff or other officer so removed, or by his successor, or where the sale hath been made by the Sheriff or officer, so removed or deceased, and

the deed executed by his successor, with or without any writ of *venditioni exponas*, all such deeds and sales made *bona-fide*, for valuable consideration, before the publication of this act, shall be valid in law, and shall convey the same estate to the purchasers that the respective owners had in the premises so sold and conveyed at the time of obtaining the judgment, or of issuing the execution against them, any law, custom or usage to the contrary in any wise notwithstanding.

II. *And be it further enacted*, That whenever any Sheriff, or other proper officer, who shall, pursuant to the said act, hereafter take in execution and sell any lands, tenements or hereditaments, shall die, or be removed, before any deed executed for the same by him to the purchaser, then, and in every such case, the plaintiff or purchaser may apply to the Supreme Court, or to the County Court of Common Pleas, wherein judgment was obtained, and set forth the case to the said Court, with the reason why the title was not perfected by the former Sheriff, or other officer, who sold the same; and thereupon the said Court may, as they shall see cause, and as justice and equity shall require, order and direct the Sheriff, or other proper officer for the time being, to perfect such title, and execute a deed for the same to the purchaser: And upon such order obtained as aforesaid, and entered on the records of the said Court, it shall and may be lawful to and for any Sheriff, or other proper officer, according to the said order and direction, and they are hereby empowered and required, upon the full discharge and payment of the money or price for which the said lands, tenements or hereditaments were sold, with such costs and charges as remain unpaid to the former Sheriff, or other officer, to make, execute, deliver and acknowledge any deed or deeds, and to perform and do all other matters and things, that by the former Sheriff, or other officer, might, could, or ought to have been performed or done in and about the premises, by virtue of the said recited act; which, when done and performed, shall be, and be held and adjudged, as effectual in law, as if the title had been completed by the former Sheriff, or proper officer.

III. *And be it further enacted*, That if any Sheriff, or other proper officer, who shall hereafter take in execution any lands, tenements or hereditaments, in pursuance of the said act, shall die, or be removed, before any sale made thereof, then, and in every such case, the like process shall issue to the succeeding Sheriff, or other proper officer, and the same proceedings be had, that might, could, or ought to have issued, or have been had, if such former Sheriff, or other officer, had not died, or been removed; which proceedings shall be, and be held and adjudged, as effectual in law, as if had before the death or removal of the former Sheriff, or officer.

IV. And whereas writs of partition have sometimes been executed, and partitions made, by persons who have been Sheriffs, after the expiration of their office, and it hath been doubted, whether such partitions are effectual in law: For removing such doubts, *Be it therefore enacted*, That all partitions that have been made by persons, who have been Sheriffs, after the expiration of their office, and confirmed by the Courts respectively, to which the writs were re-

Manner of proceeding, in case of Sheriffs dying, &c. before deeds are executed for sales of lands taken in execution.

Sheriff dying, &c. before sale made, the like process shall issue to his successor.

[Retrospective and obsolesc.]

Partitions made by persons who have been Sheriffs, to be good in law.

1764. turnable, where the estates have been quietly held under such partitions, and no action or suit hath hitherto been commenced for reversing or annulling the same, shall be, and be deemed and adjudged, as good and effectual in the law, as if such partitions had been made before expiration of the office of the person so making the same.

[See title Partition, in the general index.]

Former law repealed

• Chap. 299.

V. *And be it further enacted*, That an act of the General Assembly of this province, entitled *A Supplement to the Act for taking lands in execution for the payment of debts*,* be, and is hereby repealed, and made void.

Passed 23d March, 1764.—Recorded A. vol. V. page 1. (1)

(1) On the subject of this act, see pa. 57, and the notes thereto respectively subjoined. chap. 48, pa. 7, and the act to which this is a supplement, ante. chap. 152,