

1774.

Penalty on
housekeep-
ers permit-
ting guns,
&c. to be
fired off at
their houses.

II. *And be it further enacted*, That if any person or persons, after the publication of this act, shall willingly permit or suffer, within the time aforesaid, any person or persons to discharge or fire off, at his or her house, any hand-gun, pistol, or other fire-arms, or to cast, throw or fire any squibs, rockets, or other fire-works, as aforesaid, every person so as aforesaid offending, and being thereof convicted in manner aforesaid, shall for every such offence forfeit and pay, for the use aforesaid, the sum of twenty shillings, to be recovered in manner aforesaid.

Constables
having
knowledge of
any offences
against this
act, to pre-
sent the same
on oath or
affirmation.

III. *And be it further enacted*, That the Constable of each respective city, borough, township or place, in every county of this province, having any knowledge of any offences against this act, shall, and he is hereby required, under the penalty of twenty shillings, to present, on oath or affirmation, every such offence to one of the next Justices of the Peace of their respective counties, or before the Justices of the General Quarter Sessions of the Peace for the same county, together with the name or names of all such offenders, that they may be tried, agreeable to the directions of this act.

Persons ag-
grieved may
appeal, &c.

IV. *Provided always*, That if any person shall conceive him or herself aggrieved by the judgment of any such Justice, he or she may appeal to the next County Court of Quarter Sessions of the said county, who shall, on the petition of the party, take such order therein, as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

Limitation
of prosecu-
tion.

V. *Provided always*, That no person or persons shall be prosecuted or troubled for any offence against this act, unless the same be prosecuted within four months after the offence committed.

Passed 24th December, 1774.—Recorded A. vol. VI. page 55.

CHAPTER DCCIV.

A SUPPLEMENT to the act, entitled An Act for acknowledging and recording of deeds. (x)

Deeds and
conveyances
of lands, &c.
to be ac-
knowledged
or proved be-
fore one of
the Judges
of the Su-
preme Court,

WHEREAS by the different and secret ways of conveying lands, tenements and hereditaments, such as are ill disposed, have it in their power to commit frauds, by means whereof divers persons may be injured in their purchases and mortgages by prior and secret conveyances, and fraudulent incumbrances: For remedy whereof, *Be it enacted*, That all deeds and conveyances, which, from and after the publication hereof, shall be made and executed within this province, of or concerning any lands, tenements or hereditaments, in this province, or whereby the same may be any way affected in law or equity, shall be acknowledged by one of the grantors or bargainors, or proved by one or more of the subscribing wit-

(x) For a general reference to all the laws that have been passed, and to various cases that have been adjudged relative to the acknowledgment, pro-

bate, and recording of deeds, see ante. chap. 208, and the notes there subjoined, pp. 96, (*Note to former edition.*)

nesses to such deed, before one of the Judges of the Supreme Court, or before one of the Justices of the Court of Common Pleas of the county where the lands conveyed lie, and shall be recorded in the office for recording of deeds in the county where such lands or hereditaments are lying and being, within six months after the execution of such deeds or conveyances; and that every such deed and conveyance, that shall at any time after the publication hereof be made and executed, and which shall not be proved and recorded as aforesaid, shall be adjudged fraudulent, and void against any subsequent purchaser or mortgagee for valuable consideration, unless such deed or conveyance be recorded as aforesaid, before the proving and recording of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim.

1774.
or Justices of
Common
Pleas, and
recorded
within six
months, &c.

II. *And be it further enacted*, That all such deeds and conveyances, which shall be made and executed out of this province, after the publication of this act, and acknowledged or proved in manner as directed by the laws heretofore for that purpose made, or proved by one or more of the subscribing witnesses, before any Supreme Judge of this province, shall be recorded in the office for the recording of deeds in the county where the lands and hereditaments specified in such deed or deeds do lie, within the space of twelve months after the execution thereof, otherwise every such deed or conveyance shall be adjudged fraudulent, and void against any subsequent purchaser or mortgagee for valuable consideration, unless such deed or conveyance be recorded as aforesaid, before the proving and recording of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim.

Deeds, &c.
made out of
this pro-
vince, and
acknow-
ledged or
proved, to be
recorded
within
twelve
months, &c.

III. *Provided always, and be it further enacted*, That this act shall not extend to any lease not exceeding twenty-one years, where the actual possession and occupation goeth along with the lease, any thing in this act to the contrary notwithstanding.

Leases not
exceeding
twenty-one
years except-
ed.

IV. *And whereas there is no provision made by the act, to which this is a supplement, for the proving deeds or conveyances where the grantors and the witnesses are deceased: For remedy whereof, Be it enacted*, That from and after the publication of this act, where the grantors and witnesses of any deed or conveyance are deceased, or cannot be had, it shall and may be lawful to and for any of the Justices of the Supreme Court, or any Justice of the Court of Common Pleas of the county where the lands lie, to take the examination of any witness or witnesses, on oath or affirmation, to prove the hand-writing of such deceased witness or witnesses, or where such proof cannot be had, then to prove the hand-writing of the grantor or grantors, which shall be certified by the Justice before whom such proof shall be made, and such deed or conveyance, being so proved, shall be recorded as is usual in other cases directed by the said act.

Where grant-
ors and wit-
nesses are
deceased,
proof to be
made of the
hand-writing
of such wit-
nesses, &c.

V. *And whereas the fees for recording deeds and other conveyances, as settled by the laws now in force, are not equal to the trust, labour and expense of the officers: Be it therefore enacted*, [That from and after the publication of this act, the said Recorders, and the Master of the Rolls Office, respectively, shall have and receive, for recording, and for copying or exemplifying all laws, deeds,

Officers fees
for record-
ing, &c.

1774. conveyances and writings, entered in the said office, three farthings for every line containing not less than twelve words; and for every search one shilling; and for every acknowledging satisfaction in the margin of a mortgage, recorded as aforesaid, one shilling; and shall have and receive, for affixing the seal to every exemplification, one shilling and six-pence; and for the seal of office, and endorsement of certificate on each deed acknowledged, and his hand thereto, one shilling and six-pence.] (y)

Recorder to keep a fair book and enter every deed. &c. brought to his office to be recorded, &c.

VI. *And be it further enacted*, That every Recorder of Deeds in this province shall keep a fair book, in which he shall immediately make an entry of every deed or writing brought into his office to be recorded, mentioning therein the date, the parties and the place where the lands, tenements or hereditaments, granted or conveyed by the said deed or writing, are situate, dating the same entry on the day in which such deed or writing was brought into his office, and shall record all such deeds and writings in regular succession, according to their priority of time in being brought into the said office; and shall also immediately give a receipt to the person bringing such deed or writing to be recorded, bearing date on the same day with the entry, containing the abstract aforesaid; for which entry and receipt he shall take or receive no fee or reward whatever. And if any Recorder of Deeds within this province shall record any deed or writing before another first brought into his office to be recorded, or in any other manner than is herein directed, or shall neglect or refuse to make such an entry, or to give such a receipt as is herein before directed, or shall directly or indirectly take or receive any fee or reward for such entry and receipt, or either of them, he shall forfeit and pay, for every such offence, one hundred pounds, lawful money of this province; one half to the Governor, for the support of government, and the other half to him or them that shall sue for the same, to be recovered in any Court of Record within this province, by action of debt, bill or plaint, wherein no essoin, protection or wager of law, or more than one imparlance, shall be allowed.

Recorders to give security.

VII. *And be it further enacted*, That the Recorders of Deeds of the several counties of this province shall, on or before the first day of August next, become bound to the Governor of this province for the time being, in bonds with one or more sufficient securities, as follows, to wit:

[The sums increased, March 14th, 1777, post. chap. 737.]

[The Recorder for the county of Philadelphia in the sum of fifteen hundred pounds.

The Recorder for the county of Bucks in the sum of six hundred pounds.

The Recorder for the county of Chester in the sum of eight hundred pounds.

The Recorder for the county of Lancaster in the sum of eight hundred pounds.

The Recorder for the county of York in the sum of five hundred pounds.

The Recorder for the county of Cumberland in the sum of five hundred pounds.

(y) The existing fees for recording deeds are declared, chap. 1852. (Note to former edition.)

The Recorder for the county of Berks in the sum of five hundred pounds. 1775.

The Recorder for the county of Northampton in the sum of five hundred pounds.

The Recorder for the county of Bedford in the sum of three hundred pounds.

The Recorder for the county of Northumberland in the sum of three hundred pounds.

The Recorder for the county of Westmoreland in the sum of three hundred pounds.]

Which said bonds shall severally be conditioned for the true and faithful execution of their several and respective offices, and for delivering up the records and other writings, belonging to the said respective offices, whole, safe and undefaced, to their successors in office; which said respective bonds shall be filed in the Secretary's office, and there be safely kept, in order to be made use of for making satisfaction to the parties that shall be damnified or aggrieved, in the same manner as the bonds given by the Sheriffs of the several counties are by law directed to be made use of, sued, prosecuted and applied.

Their bonds to be filed in the Secretary's office,

VIII. *And be it further enacted,* That so much of the act to which this is a supplement, as relates to the fees to be taken by the several Recorders, and the securities to be by them given, or is altered and supplied by this act, shall be, and the same is hereby declared to be repealed, and made null and void.

Part of a former act repealed.

Passed 18th March, 1775.—Recorded A. vol. VI. page 57.

CHAPTER DCCVII.

An ACT to regulate the assize of bread, and for other purposes therein mentioned. (z)

VII. *And be it further enacted,* That if any person or persons shall adulterate or mix any improper or unwholesome ingredient in any kind of flour, of which bread shall be made for sale as aforesaid, every such person or persons, being thereof legally convicted before any Magistrate or Justice of the city, borough or county, where such bread shall be so made, sold or exposed to sale, who is hereby authorised and empowered to hear, try and determine the same, shall forfeit and pay the sum of five pounds for every such offence.

Penalty on persons adulterating their flour.

Passed 18th March, 1775.—Recorded A. vol. VI. page 59.

(z) Former acts passed on this subject, but now repealed and supplied, chap. 52, 332, 641, 675.

By chap. 844, sect. 9, 10, the Justices of the Peace (after the dissolution of the Corporation) were empowered to set the assize of bread in the city of Philadelphia, and also in any of the counties; but see the act reviving the Corporation of Philadelphia, chap. 1383, and the ordinances passed in Common Council.

So much of the act in the text, as relates to the assize and weight of bread was suspended for two years from the 4th of September, 1793, (chap. 1691;) and for two years more from the 6th of April, 1795, chap. 1813. By an act of the 1st of April, 1797, (chap. 1936,) the whole of the act in the text is repealed, except the seventh section; also the suspending acts. (*Note to former edition.*)