

CHAPTER DCIV.

A SUPPLEMENT TO THE ACT, ENTITLED "A SUPPLEMENT TO THE ACT, ENTITLED 'AN ACT FOR TAKING LANDS IN EXECUTION FOR THE PAYMENT OF DEBTS, AND FOR CONFIRMING PARTITIONS IN SEVERAL INSTANCES HERETOFORE MADE.'" ¹

Whereas before the passing of the act to which this act is a supplement the sheriff or other proper officer who had taken lands in execution and sold the same for a *bona fide* consideration had and received, in some cases died or the term of his office expired by law before any deed made by him to complete the title of the purchaser, and the said sales yet remain unconfirmed and such purchasers are left without remedy, inasmuch as the said last recited act did not make provision for the cases which happened before the time of passing the same:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That in all cases where it hath happened before the passing the said recited act that the sheriff or other proper officer hath taken any lands, tenements or hereditaments in execution, and either with or without a writ of *venditioni exponas* sold the same for a *bona fide* consideration had and received according to law, and after died or was removed from his office by the expiration of the term thereof or otherwise, not having made a deed to the purchaser, it shall and may be lawful to and for the plaintiff or purchaser, his heirs or assigns, to apply to the supreme court or to the county court of common pleas where the judgment was obtained, and to set forth by petition his

¹ Passed January 12, 1705-6, Chapter 152.

case to the court 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 by executing a deed for the same to the plaintiff or purchaser, his heirs or assigns, and upon such order obtained as aforesaid and entered upon the records of the same court it shall and may be lawful to and for any sheriff or other proper officer for the time being, according to the direction of the said order, and they are hereby empowered and required, upon payment of such costs and charges as remain unpaid to the former sheriff or other proper officer to make, seal, deliver, execute and acknowledge any deed and deeds, and to perform and do any other matters and things that by the former sheriff or other proper officer, might, could or ought to have been performed or done in or about the premises, which, when done and performed, shall be held and adjudged as valid and effectual in law as if done and performed by the sheriff or other officer who took the said lands, tenements and hereditaments in execution.

Passed February 24, 1770. Confirmed by the King in Council, May 24, 1771. See Appendix XXVII, Section III, and the note to the Act of Assembly passed January 12, 1705-6, Chapter 152.

CHAPTER DCV.

AN ACT FOR THE BETTER CONFIRMATION OF THE ESTATES OF PERSONS HOLDING OR CLAIMING UNDER FEME-COVERTS, AND FOR ESTABLISHING A MODE BY WHICH HUSBAND AND WIFE MAY HEREAFTER CONVEY THEIR ESTATES.

Whereas it hath been heretofore the custom and usage ever since the settlement of this province in transferring the estates of *feme covert*s, in many cases for the husband and wife to execute the deed or conveyance in the presence of witnesses only, and in other cases after such execution to acknowledge the same before a justice of the peace or a justice of the county court of common pleas or before one of the judges of the supreme court, the said wife being separate and apart from her