

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

husband examined, by means whereof a very great number of *bona fide* purchasers for a valuable consideration under such deeds and conveyances are now become the just and equitable owners and possessors of such estates:

And whereas some doubts have arisen whether the said deeds are sufficiently valid in law to transfer and pass the estate of the wife in and to the lands, tenements and hereditaments by the said deeds and conveyances intended to be transferred and conveyed; and it is but just and reasonable that the said purchasers should be quieted and secured and have, hold and enjoy the lands, tenements and hereditaments intended by the said deeds and conveyances to be transferred and conveyed according to the true intent and meaning thereof:

[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 no grant, bargain and sale, lease, release, feoffment, deed, conveyance or assurance whatsoever heretofore *bona fide* made and executed by husband and wife in manner aforesaid of any lands, tenements and hereditaments whatsoever shall be deemed, held or adjudged invalid or defective in law or avoided or prejudiced, but that all and every the said grants, bargains and sales, releases, feoffments, deeds, conveyances and assurances shall be and are hereby declared to be good and valid in law for the transferring and passing the estates, rights, titles and interests of such husband and wife according to the true intent and meaning of the of the [*sic*] words thereof; saving to every person and persons, bodies politic and corporate, whatsoever (other than to the said husband and wife), their heirs and successors all such rights, titles, estates, claims and interests as they, or any of them, have or ought to have of, in or to the said lands, tenements and hereditaments.

And in order to establish a mode by which husband and wife may hereafter convey the estate of the wife:

[Section II.] Be it enacted by the authority aforesaid, That where any husband and wife shall hereafter incline to dispose of and convey the estate of the wife, or her right of, in or to any lands, tenements or hereditaments whatsoever, it shall and may be lawful to and for the said husband and wife to make, seal, deliver and execute any grant, bargain and sale, lease, release, feoffment, deed, conveyance or assurance in the law whatsoever for the lands, tenements and hereditaments intended to be by them passed and conveyed, and after such execution to appear before one of the judges of the supreme court or before any justice of the county court of common pleas of and for the county where such land, tenements or hereditaments shall lie, and to acknowledge the said deed or conveyance, [which] judge or justice shall and he is hereby authorized and required to take such acknowledgement, in doing whereof he shall examine the wife separate and apart from her husband, and shall read or otherwise make known the full contents of such deed or conveyance to the said wife; and if upon such separate examination she shall declare that she did voluntarily and of her own free will and accord seal, and as her act and deed deliver the said deed or conveyance, without any coercion or compulsion of her said husband, every such deed or conveyance shall be and the same is hereby declared to be good and valid in law to all intents and purposes as if the said wife had been sole and not covert at the time of such sealing and delivery, any law, usage and custom to the contrary [in any wise] notwithstanding.

[Section III.] And be it further enacted by the authority aforesaid, That all deeds and conveyances made and executed by husband and wife not residing within this province and brought hither to be recorded in the county where the lands lie (the acknowledgements thereof being taken and made in the manner hereinbefore directed before any mayor or chief magistrate or officer of the cities, towns or places where such deeds or conveyances are or shall be made or executed, and certified under the common or public seal of such cities, towns or places) shall be as valid and effectual in law as if the same had been made and acknowledged in manner aforesaid before any

judge of the supreme court of this province or before any justice of the court of common pleas for the county where the lands lie, anything herein contained to the contrary notwithstanding.

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 May 28, 1715, Chapter 208; and the Acts of Assembly passed August 31, 1778, Chapter 804; April 8, 1785, Chapter 1163; April 13, 1791, Chapter 1575; September 30, 1791, Chapter 1601; April 11, 1799, Chapter 2091; February 7, 1803, P. L. 305; January 20, 1806, P. L. 304; March 18, 1814, P. L. 132; March 18, 1816, P. L. 160; January 9, 1817, P. L. 16; March 23, 1819, P. L. 144; April 3, 1826, P. L. 187; January 16, 1827, P. L. 9; April 14, 1828, P. L. 447; February 19, 1835, P. L. 39; April 13, 1840, P. L. 303; (the two Acts of Assembly passed) April 16, 1840, P. L. 357, 410; May 5, 1841, P. L. 350; April 6, 1843, P. L. 175; (the two Acts of Assembly passed) April 11, 1848, P. L. 525, 536; January 24, 1849, P. L. 676; April 9, 1849, P. L. 524; April 10, 1849, P. L. 619; April 2, 1850, P. L. 312; April 25, 1850, P. L. 569; March 15, 1851, P. L. 163; April 15, 1851, P. L. 661; March 18, 1852, P. L. 645; April 18, 1853, P. L. 567; May 5, 1854, P. L. 572; December 14, 1854, P. L. (1855) 724; April 11, 1856, P. L. 315; April 21, 1856, P. L. 484; April 2, 1859, P. L. 352; April 6, 1859, P. L. 383; (the two Acts of Assembly passed) April 22, 1863, P. L. 533, 548; August 10, 1864, P. L. 962; March 22, 1865, P. L. 30; April 12, 1866, P. L. 864; April 17, 1866, P. L. 1004; April 23, 1866, P. L. 1034; May 17, 1866, P. L. 1085; April 10, 1867, P. L. 67; February 23, 1870, P. L. 82; March 22, 1870, P. L. 525; March 23, 1870, P. L. 619; May 25, 1874, P. L. 222; May 26, 1874, P. L. 229; April 28, 1876, P. L. 52; May 13, 1876, P. L. 153; March 23, 1877, P. L. 29; May 25, 1878, P. L. 149; May 12, 1891, P. L. 53; June 1, 1891, P. L. 159; May 19, 1893, P. L. 108; May 25, 1893, P. L. 136; (the two Acts of Assembly passed) June 9, 1897, P. L. 212, 214; May 6, 1899, P. L. 257.

CHAPTER DCVI.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH AND MEADOW LAND THEREIN DESCRIBED, SITUATE IN THE COUNTY OF CHESTER, TO KEEP THE BANKS, DAMS, SLUICES AND FLOODGATES IN REPAIR AND TO RAISE A FUND TO DEFRAY THE EXPENSE THEREOF." ¹

Whereas in and by the act to which this act is a supplement divers persons were appointed to divide the dams, sluices, flood-

¹ Passed February 20, 1768, Chapter 577.