

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 agreeably to the directions of this act.

[Section 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.

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

Passed December 24, 1774. Referred for consideration by the King in Council, July 21, 1775, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXII, and the notes to the Acts of Assembly passed August 26, 1721, Chapter 245; February 9, 1750-51, Chapter 388; April 9, 1760, Chapter 456; and the Acts of Assembly passed April 11, 1844, P. L. 250; April 15, 1851, P. L. 658.

CHAPTER DCCVI.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR ACKNOWLEDGING AND RECORDING OF DEEDS." ¹

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 encumbrances:

For remedy whereof:

[Section I.] Be it enacted by the Honorable John Penn, Esquire, Governor and Commander in Chief of the Province of Pennsylvania, by and with the consent and advice of the representatives of the freemen of said Province in General Assembly

¹ Passed May 28, 1715, Chapter 208.

met, and by the authority of the same, 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 witnesses 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.

[Section II.] And be it further enacted by the authority aforesaid, 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.

[Section III.] Provided always, and be it further enacted by the authority aforesaid, That this act shall not extend to any lease not exceeding twenty-one years where the actual posses-

sion and occupation goeth along with the lease, anything in this act to the contrary notwithstanding.

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:

[Section IV.] Be it enacted by the authority aforesaid, 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 handwriting of such deceased witness or witnesses, or where such proof cannot be had, then to prove the handwriting 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.

And whereas the fees for recording deeds and other conveyances as settled by the laws now in force are not equal to the trust, labor and expense of the officers:

[Section V.] Be it therefore enacted by the authority aforesaid, 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, 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 indorsement of certificate on each deed acknowledged and his hand thereto one shilling and six pence.

[Section VI.] And be it further enacted by the authority aforesaid, 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 lauds, 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 hereinbefore 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 offense 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.

[Section VII.] And be it further enacted by the authority aforesaid, 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 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;

The recorder for the county of Berks in the sum of five hundred pounds;

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 of 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 officers 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.

[Section VIII.] And be it further enacted by the authority aforesaid, 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.

Passed March 18, 1775. Referred for consideration by the King in Council, July 21, 1775, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXII, and the note to the Act of Assembly passed May 28, 1715, Chapter 208; and the Acts of Assembly passed May 22, 1895, P. L. 113; July 9, 1897, P. L. 214; May 2, 1899, P. L. 162; May 6, 1899, P. L. 257; April 4, 1901, P. L. 67; May 2, 1901, P. L. 138; May 11, 1901, P. L. 171; May 16, 1901, P. L. 224; May 21, 1901, P. L. 271.