

CHAPTER DCCXLVIII.

AN ACT FOR ESTABLISHING IN THE CITY OF PHILADELPHIA AND IN EACH COUNTY OF THIS STATE AN OFFICE FOR THE PROBATE AND REGISTERING OF WILLS AND GRANTING LETTERS OF ADMINISTRATION, AND AN OFFICE FOR THE RECORDING OF DEEDS.

(Section I, P. L.) A change of government in the state of Pennsylvania having taken place, the powers of the several officers under the late government have thereby ceased and become void. It therefore becomes necessary for the security and well being of this commonwealth that an office of record for the probate of wills and granting letters of administration, commonly called "the register's office," and an office of record for recording of deeds should be at all times kept in each city and county as the present constitution directs:

[Section I] (Section II, P. L.) Be it therefore enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That Samuel Morris, Esquire, be and he is hereby constituted and appointed register for the probate of wills and granting letters of administration for the city and county of Philadelphia; and that John Morris, the younger, Esquire, be and he is hereby constituted and appointed recorder of deeds for the said city and county of Philadelphia; and that the following persons be and they are hereby constituted and appointed registers for the probate of wills and granting letters of administration and recorders of deeds for the several counties following respectively: That is to say, Joseph Hart, Esquire, for the county of Bucks; Thomas Taylor, Esquire, for the county of Chester; Peter Hoofnagle, Esquire, for the county of Lancaster; Archibald McLean, Esquire, for the county of York; John Creigh, Esquire, for the county of Cumberland; Henry Christ, Esquire, for the county of Berks; John Orndt, Esquire, for the county of Northampton; Robert Galbraith, Esquire, for the county of Bedford; John Simpson, Esquire, for the county of Northumberland;

and James Kinkead, Esquire, for the county of Westmoreland; every of which said officers is to be commissioned as the constitution of this state directs.

[Section II] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the persons herein and hereby appointed to the offices aforesaid before they enter on the duties of their respective offices shall severally take the oath or affirmation agreeable to the said constitution and give bond to the speaker of the house of assembly for the time being with one or more sureties in the following sums respectively; That is to say, the register for the city and county of Philadelphia in the sum of one thousand pounds, the recorder of deeds for the said city and county of Philadelphia in the sum of fifteen hundred pounds, the register and recorder of deeds for the county of Bucks in the sum of one thousand pounds, the register and recorder of deeds for the county of Chester in the sum of fifteen hundred pounds, the register and recorder of deeds for the county of Lancaster in the sum of fifteen hundred pounds, the register and recorder of deeds for the county of York in the sum of twelve hundred pounds, the register and recorder of deeds for the county of Cumberland in the sum of twelve hundred pounds, the register and recorder of deeds for the county of Berks in the sum of one thousand pounds, the register and recorder of deeds for the county of Northampton in the sum of one thousand pounds, the register and recorder of deeds for the county of Bedford in the sum of six hundred pounds, the register and recorder of deeds for the county of Northumberland in the sum of six hundred pounds and the register and recorder of deeds for the county of Westmoreland in the sum of six 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 the said offices.

[Section III] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the several and respective officers appointed by this act shall have, use and exercise all the powers and be subject to and governed by the laws of this state in all

things concerning their said offices respectively, and may take and receive the same fees as by the said laws the late registers and recorders of deeds ought or might have received and taken.

[Section IV] (Section V, P. L.) And be it further enacted by the authority aforesaid, That each and every of the registers and recorders of deeds herein appointed and their heirs, executors and administrators and every of them are hereby required and enjoined to deliver up to the person [who shall be] appointed to succeed them in the said offices respectively all the records and other writings and also the seals belonging to the several offices aforesaid whole, safe and undefaced under the penalty of three thousand pounds, to be recovered as other fines are directed to be recovered within this state.

[Section V] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That every register for the probate of wills and granting letters of administration by this act appointed, or that may be hereafter appointed may and shall keep a deputy to officiate in his absence, for whose conduct the register that shall so appoint him shall be accountable. And every such deputy is hereby declared to be able and capable in law to take probate of wills and grant letters of administration as aforesaid and to do whatever else by the laws of this state appertains to the said office. And if any register or recorder of deeds by this act appointed shall resign his office, remove out of the county, die or otherwise become incapable of executing both or either of the said offices as directed by the laws aforesaid, then in either of the said cases the president and council for the time being shall as soon as may be appoint and commissionate another person to be register and recorder in the stead of such register and recorder as shall so resign, remove, die or otherwise become incapable as aforesaid; and every person so appointed and commissioned as aforesaid shall be deemed and taken to be the proper register and recorder for the county for which he shall be so appointed and commissioned until further order be taken in the premises by the general assembly of this state.

[Section VI] (Section VII, P. L.) Provided always and be it further enacted by the authority aforesaid, That the officers by this act appointed and called registers in each county respect-

ively shall not be accountable to any other register as their superior, and that so much of the laws of this state as relates to the register-general's office which by this act is altered and supplied is hereby declared to be repealed and made null and void. And inasmuch as the detention of the books, records and other papers and seals in the office of register and in the office of recorder of deeds may be very injurious to many of the inhabitants:

[Section VII] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That if any or either of the officers that have last held and kept the said office or offices shall refuse to deliver up the said books, records and other papers and seals of office, safe and in good order to the persons by this act for each county respectively appointed, and complaint shall be thereof made to any one justice of the county where such refusal shall be made, such justice shall issue his warrant in the nature of a *capias*, causing such officer to be brought before him; and if the complaint shall be supported with good evidence, the said justice shall commit the said register or recorder to the common gaol of the county there to remain without bail or mainprise until the said books, records and other papers and the said seals of office shall be delivered up as aforesaid.

[Section VIII] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any of the officers named in this act shall neglect or refuse to take the oaths or affirmations prescribed by the constitution of this state and otherwise qualify himself as is by this act directed for the space of ten days after he shall be informed of his appointment if on the east side of the river Susquehanna and within thirty days if on the west side of said river, the president in council shall appoint and commissionate some fit person to be the officer in his stead.

Passed March 14, 1777. See the Acts of Assembly passed August 31, 1778, Chapter 804; March 14, 1805, P. L. 113; April 1, 1823, P. L. 286; March 31, 1825, P. L. 138; April 11, 1825, P. L. 173; February 27, 1827, P. L. 53; March 2, 1827, P. L. 67; April 14, 1828, P. L. 460; April 6, 1830, P. L. 272; March 25, 1831, P. L. 211; March 15, 1832, P. L. 135; Resolution of Assembly passed March 4, 1835, P. L. 429; April 14, 1835, P. L. 275; June 16, 1836, P. L. 682; April 4, 1837, P. L. 298; July 2, 1839, P. L. 559; June 17, 1839, P. L. 676; June 27, 1839, P. L. 692; April 13, 1840, P. L. 319; April 16, 1840, P. L. 410; October 13,

1840, P. L. (1841) 1; March 19, 1841, P. L. 99; March 12, 1842, P. L. 66; March 17, 1842, P. L. 95; June 13, 1842, P. L. 274; April 13, 1843, P. L. 230; February 1, 1844, P. L. 35; February 24, 1844, P. L. 51; April 27, 1844, P. L. 469; April 29, 1844, P. L. 527; April 16, 1845, P. L. 538; March 9, 1846, P. L. 107; April 7, 1846, P. L. 246; February 23, 1847, P. L. 130; March 13, 1847, P. L. 296; April 5, 1848, P. L. 335; April 7, 1848, P. L. 365; April 8, 1848, P. L. 413; April 10, 1849, P. L. 570; March 25, 1850, P. L. 277; April 2, 1850, P. L. 336; April 22, 1850, P. L. 549; May 15, 1850, P. L. 764; February 10, 1851, P. L. 50; April 3, 1851, P. L. 305; April 8, 1852, P. L. 296; April 23, 1852, P. L. 413; February 23, 1853, P. L. 698; March 17, 1853, P. L. 206; March 6, 1854, P. L. 158; May 6, 1854, P. L. 605; March 29, 1856, P. L. 181, 185; April 19, 1856, P. L. 458; April 22, 1856, P. L. 532; February 13, 1857, P. L. 35; April 8, 1857, P. L. 172; February 10, 1859, P. L. 31; April 6, 1859, P. L. 383; April 13, 1859, P. L. 561; February 9, 1860, P. L. 47; May 1, 1861, P. L. 531; April 11, 1862, P. L. 424, February 14, 1863, P. L. 40; April 15, 1863; P. L. 459; April 8, 1864, P. L. 348; February 2, 1865, P. L. 79; March 1, 1865, P. L. 259; March 24, 1865, P. L. 773; March 30, 1865, P. L. 39; March 30, 1866, P. L. 90; March 12, 1866, P. L. 171; (the two Acts of Assembly passed) April 11, 1866, P. L. 584, 763; February 14, 1867, P. L. 207; February 19, 1867, P. L. 221; April 15, 1867, P. L. 86; March 12, 1867, P. L. 408; March 29, 1867, P. L. 600; April 2, 1868, P. L. 3; April 1, 1868, P. L. 52; April 8, 1868, P. L. 73; March 17, 1868, P. L. 339, 340; April 13, 1868, P. L. 882; February 27, 1869, P. L. 299; April 2, 1869, P. L. 637; April 3, 1869, P. L. 690; April 15, 1869, P. L. 1093, 1095; March 17, 1870, P. L. 484; March 25, 1870, P. L. 558; February 14, 1871, P. L. 52; March 17, 1871, P. L. 408; April 6, 1871, P. L. 476; May 19, 1871, P. L. 998; May 26, 1871, P. L. 1190; June 8, 1871, P. L. 1375; February 6, 1872, P. L. 85; February 27, 1872, P. L. 173; March 6, 1872, P. L. 208; April 13, 1872, P. L. 1140; February 20, 1873, P. L. 137; February 24, 1873, P. L. 157; February 27, 1873, P. L. 170; March 7, 1873, P. L. 221; March 20, 1873, P. L. 343; March 28, 1873, P. L. 449; April 2, 1873, P. L. 484, (the two Acts of Assembly passed) April 10, 1873, P. L. 632, 641; (Art. V, Section 22 the Constitution of 1874, Art. XIV, Sections 1, 2, 3, 4, 5 and 6), February 12, 1874, P. L. 43; May 6, 1874, P. L. 125; May 14, 1874, P. L. 175; May 15, 1874, P. L. 194; May 19, 1874, P. L. 206; March 18, 1875, P. L. 32; April 6, 1876, P. L. 13; March 24, 1877, P. L. 37; May 3, 1878, P. L. 43; June 12, 1878, P. L. 187; March 6, 1879, P. L. 4; June 8, 1881, P. L. 69; June 20, 1883, P. L. 136; June 3, 1885, P. L. 55; (the two Acts of Assembly passed) June 24, 1885, P. L. 155, 160; June 30, 1885, P. L. 193; April 13, 1887, P. L. 22; May 6, 1887, P. L. 79; May 24, 1887, P. L. 187; June 6, 1887, P. L. 359; April 25, 1889, P. L. 52; May 2, 1889, P. L. 66; June 1, 1889, P. L. 420; May 14, 1891, P. L. 59; May 26, 1891, P. L. 129; June 24, 1895, P. L. 230; June 26, 1895, P. L. 325; March 17, 1897, P. L. 4; April 29, 1897, P. L. 35; May 12, 1897, P. L. 56; April 11, 1899, P. L. 41; April 19, 1899, P. L. 61; May 2, 1899, P. L. 162; May 9, 1899, P. L. 261; May 11, 1901, P. L. 175; May 16, 1901, P. L. 224; May 21, 1901, P. L. 271; June 12, 1901, P. L. 559.