

Passed August 31, 1778. See the Acts of Assembly passed February 11, 1789, Chapter 1387; February 23, 1791, Chapter 1528; March 8, 1792, Chapter 1607; February 12, 1795, Chapter 1795; April 11, 1799, Chapter 2088; February 10, 1807, P. L. 23; March 20, 1811, P. L. 86; January 17, 1812, P. L. 14; December 22, 1812, P. L. (1813) 8; March 28, 1814, P. L. 311; February 4, 1813, P. L. 57; February 25, 1813, P. L. 86; March 29, 1813, P. L. 203; February 21, 1815, P. L. 43; March 15, 1816, P. L. 100; March 24, 1817, P. L. 225; March 24, 1818, P. L. 297; March 18, 1823, P. L. 91; March 21, 1823, P. L. 182; March 30, 1824, P. L. 237; March 31, 1837, P. L. 121; April 16, 1844, P. L. 274; April 3, 1851, P. L. 307; April 6, 1859, P. L. 333; January 9, 1861, P. L. 2; May 1, 1861, P. L. 433; March 23, 1865, P. L. 631; April 26, 1869, P. L. 96; May 8, 1876, P. L. 127; May 22, 1878, P. L. 85; April 8, 1881, P. L. 9; June 2, 1887, P. L. 298; June 6, 1887, P. L. 350; May 29, 1889, P. L. 385; June 9, 1891, P. L. 249; May 10, 1893, P. L. 36; June 24, 1895, P. L. 264; June 15, 1897, P. L. 165.

CHAPTER DCCCIV.

AN ACT TO DECLARE VALID THE ACKNOWLEDGMENTS OF DEEDS AND THE PROOFS OF WITNESSES TO THE EXECUTION THEREOF MADE AND TAKEN BY AND BEFORE ANY OF THE MEMBERS OF THE FORMER COUNCIL OF SAFETY OR THE JUSTICES OF THE PEACE APPOINTED BY THE CONVENTION OF THIS STATE OR MEMBERS OF THE SUPREME EXECUTIVE COUNCIL; AND TO DECLARE VALID THE PROBATE AND REGISTERING OF WILLS AND GRANTING LETTERS OF ADMINISTRATION OF THE LATE REGISTER-GENERAL OF THE PROVINCE OF PENNSYLVANIA, AND HIS DEPUTIES IN THE SEVERAL COUNTIES THEREOF, DURING A CERTAIN PERIOD OF TIME.

(Section I, P. L.) Whereas by the laws made under the former government of the province of Pennsylvania, and since continued and extended to [the government of] this commonwealth by an act of its legislature, entitled "An act to revive and put in force such and so much of the late laws of the province of Pennsylvania, as is judged necessary to be in force in this commonwealth, and to revive and establish the courts of justice, and for other purposes therein mentioned,"¹ enacted the twenty-eighth day of January in the year of our Lord one thousand seven hundred and seventy-seven, it was provided "that all deeds and con-

¹ Passed January 28, 1777, Chapter 737.

veyances to be made in the said province for transferring lands, tenements and hereditaments within the same should be acknowledged by one of the grantors, or proved by one or more of the subscribing witnesses to such deed," and "that the private examinations of femes covert being parties to such deeds should be taken by and before one of the judges of the supreme court of the said province, or before one of the justices of the court of common pleas of the county where the lands conveyed lie:"

(Section II, P. L.) And whereas upon the declaration of independence on the fourth day of July in the year of our Lord one thousand seven hundred and seventy-six, the supreme court of Pennsylvania and the courts of common pleas of the several counties within this state became dissolved and all judges, justices and officers thereof as deriving jointly with the said courts their authority from the King of Great Britain stood severally disqualified from doing any act in their former office:

(Section III, P. L.) And whereas the convention for the state of Pennsylvania by an ordinance passed the third day of September in the year of our Lord one thousand seven hundred and seventy-six,¹ did nominate and appoint all the then members of a newly established council of safety, to-wit, David Rittenhouse, Jonathan B. Smith, Owen Biddle, James Cannon, Timothy Matlack, Samuel Morris, the elder, Samuel Howell, Frederick Kuhl, Samuel Morris, the younger, Thomas Wharton, the younger, Henry Keppeler, the younger, Joseph Blewer, Samuel Mifflin, George Gray, John Bull, Henry Wynkoop, Benjamin Bartholomew, John Huble, Michael Swoope, William Lyon, Daniel Hunter, Peter Rhoads, David Espy, John Weitzel and John Moore, Esquires, justices of the peace for this state at large and a number of other persons to be justices of the peace for the several counties in this state, to-wit, Benjamin Franklin, John Dickinson, George Bryan, James Young, James Biddle, John Morris, the younger, Joseph Parker, John Bayard, Sharp Delany, John Cadwallader, Joseph Copperthwaite, Christopher Marshall, the elder, Francis Gurney, Robert Knox, Matthew Clarkson, William Coates, William Ball, Philip Boehm, Francis Casper Hasenclever, Thomas Cuthbert, the elder, Moses Bar-

¹ Passed September 3, 1776, Chapter 731.

tram, Jacob Schreiner, Joseph Moulder, Jonathan Paschall, Benjamin Paschall, Benjamin Harbeson, Jacob Bright, Henry Hill, Samuel Ashmead, Frederick Antis, Samuel Erwin, Alexander Edwards, Seth Quee, Samuel Potts, Rowland Evans, Charles Bensel and Peter Evans, Esquires, to be justices of the peace for the city and county of Philadelphia; Joseph Hart, Richard Walker, Joseph Kirkbride, John Wilkinson, John Kidd, Robert Patterson, John Clark, James Benezet, Samuel Smith, James McMullan, Theophilus Foulke, Joshua Anderson, George Wickart and Thomas Long, for the county of Bucks; Alexander Johnston, William Clingan, Evan Evans, Richard Baker, John Sellers, Nicholas Fairlamb, John Jones, John Wilson, William Haslet, Israel Whalin, William Denny, Samuel Bond and Robert Mendenhall, Esquires, for the county of Chester; Emanuel Carpenter, Edward Shippen, William Henry, Michael Hubley, William Bausman, Ludwig Lauman, James Bird, James Work, Timothy Green, John Thome, Moses Irwin, John Ferrie, Zachaeus Davis, David Jenkins, John Whitehill, James Clemson, William Brown, James Murray, Robert Thompson, Robert Barber, Thomas Whitesides, Michael Bright and Christopher Wegman, Esquires, for the county of Lancaster; Robert McPherson, Martin Eichelberger, Samuel Edie, David McConaughy, Richard McCalister, Henry Slagle, Mathew Dill, William Rankin, William Lees, William Bailey, William Scott, William Smith, William McCaskey, Josias Scott, Thomas Latta, William McClean and John Mickle, the younger, Esquires, for the county of York; John Armstrong, John Byers, John Reynolds, Jonathan Hoge, Robert Miller, George Robinson, John Holmes, James Olivar, John Agnew, John Alison, James Maxwell, Samuel Lyon, William Brown, James Dunlap, John McClay, William Elliott, Matthew Henderson and Frederick Watt, Esquires, for the county of Cumberland; James Read, Peter Spyker, Jacob Morgan, George Douglass, Mark Bird, Henry Christ, Balzar Gear, John Patton, Thomas Dundas, Christopher Witman, Richard Tea and Bastian Levan, Esquires, for the county of Berks; Robert Trail, Jacob Moory, Christopher Wagener, Henry Kookken, John Weit-
zel, Peter Traxler, senior, Nicholas Dupui, Evan Morgan, Robert Forgeman and Henry Barnet, Esquires, for the county of

Northampton; Bernard Dougherty, William Proctor, George Wood, Abraham Cable, Thomas Smith, Thomas Coulter, Henry Lloyd, John Piper, Samuel Davidson, William Latta, John Wilkins, William Todd, Benjamin Elliott, William Parker, Evan Shelby, David Jones, Henry Rhoads, William Johnston, William McLeavy, Gideon Ritchey, John Mellot, Edward Coomb, Hugh Davis, Matthew Patton, Robert Ramsey, Benjamin Bird, John Shaver, Samuel Thompson, William Phillips, William Holiday, the younger, Charles Cessna, John Mitchell and Richard Brown, Esquires, for the county of Bedford; Samuel Hunter, James Potter, William McClay, Robert Moodie, John Lowden, Benjamin Weiser, John Fleming, Henry Antis and John Simpson, Esquires, for the county of Northumberland; and Robert Hanna, William Lockray, Alexander McClean, Providence Mounts, Andrew McFarlin, James Pollock, James Caval, Samuel Sloane, Thomas Scott, Michael Hoofnagle, James Wilson, David Allen, Benjamin Davis, Philip Rogers, Joseph Caldwell, James Wilkins, William Elliot, George Latimore and Samuel Burns, Esquires, to be justices of the peace from the county of Westmoreland; thereby ordaining and declaring that the said justices and every of them should have full power and authority to take acknowledgments of deeds:

(Section IV, P. L.) And whereas in and by the nineteenth section of the frame of government it is declared, that every member of the supreme executive council shall be a justice of the peace for the whole commonwealth by virtue of his office, and several of the said members of the council of safety and justices of the peace of the respective counties, in consequence of their appointment by the convention and the members of the supreme executive council by virtue of the said declaration contained in the frame of government, have taken acknowledgments of deeds, the affidavits on oath or affirmation of the subscribing witnesses to deeds and the private examinations of *femes covert* with respect to their free and unrestrained will and accord at the time of executing such deeds, and have accordingly certified such acknowledgments, affidavits and private examinations under their hands and seals:

(Section V, P. L.) And whereas the supreme court of this com-

monwealth, and the courts of common pleas in the several counties thereof, having since by law been revived and re-established, and the judges and justices thereof commissioned by the president or vice-president in council, the form of acknowledging and proving the execution of deeds is again returned into its former channel:

(Section VI, P. L.) But for as much as the legality and validity of such acknowledgments of the parties and proof of the witnesses to deeds, and of such private examinations of femes covert as have been had and taken by and before any member of the council of safety or any of the justices appointed by the convention, or any of the members of the supreme executive council of this commonwealth may hereafter be called in question:

For preventing and remedying whereof:

[Section I.] (Section VII, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all the acknowledgments of the parties and proofs of a subscribing witness or witnesses to a deed and all the private examinations of femes covert parties to a deed concerning their free and unrestrained will and accord in executing the same, had and taken by and before any of the said members of the said council of safety whilst that council was subsisting or any of the said justices of the peace appointed by the convention, until justices of the court of common pleas were appointed, or a member of the supreme executive council, at any time before the publication of this act, and on the foot or back of the deed certified under the hand and seal of the person who has taken such acknowledgment, affidavit or private examination shall be good and valid in the law, and may be recorded as such to the same effect as if such acknowledgment, affidavit, or private examination had been taken by any of the judges of the supreme court, or justices of the court of common pleas of the county wherein the lands or other real estates conveyed lie.

[Section II.] (Section VIII, P. L.) Provided always, and it is hereby further enacted by the authority aforesaid, That all deeds so acknowledged, proved and certified as aforesaid, if not

already recorded shall within the space of nine months from the publication of this act, be recorded in the proper office of the county wherein the lands and tenements by such deeds conveyed do lie.

(Section IX, P. L.) And whereas the late office of the register general for the probate of wills and granting letters of administration in the province of Pennsylvania and the offices of all his deputies in the several counties within the same were upon the declaration of independence on the fourth day of July, one thousand seven hundred and seventy-six, vacated, and the register-general and his deputies, according to the maxims of polity and government, disqualified from doing any act in their former offices. But forasmuch as the office and business of proving wills and administering on the estates of persons deceased, is of such a nature, that any discontinuance in the exercise thereof may, in many instances, prove extremely injurious and detrimental to widows, orphans, absent relations, creditors and other persons interested in the estate of the testator or intestate, so the late register-general, and his deputies in the several counties of this state have continued to exercise their respective offices, received the wills of the testators and the probates thereof, registered the same and granted letters testamentary and letters of administration under the seal of the register-general's office, until the publication of the act of this commonwealth, enacted in the first general assembly thereof, on the fourteenth day of March one thousand seven hundred and seventy-seven, entitled "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."¹ Therefore in order to make valid and effectual in the law the probate of such wills and granting letters of administration, made and done since the declaration of independence, to the time of publication of the said last-mentioned act of assembly by the late register-general at Philadelphia, and by his deputies in the several counties of this state:

¹ Passed March 14, 1777, Chapter 748.

[Section III.] (Section X, P. L.) Be it further enacted by the authority aforesaid, That all such last wills and testaments as have been received, proved and registered and all letters testamentary and letters of administration granted in the register-general's office at Philadelphia, and in the several counties of this state, since the declaration of independence of the fourth of July, one thousand seven hundred and seventy-six, to the fourteenth day of March, one thousand seven hundred and seventy-seven, when the said act for establishing the offices for wills and administrations was passed, or to the day when the several officers nominated and appointed in the city and several counties of this state, in pursuance of the said last-recited act, opened or exercised their respective offices, shall be deemed as good and valid to all intents and purposes in the law, as wills proved and registered and letters testamentary and of administration, granted by the register-general or his deputies in the several counties before the declaration of independence, notwithstanding the incapacity of the said officers.

Passed August 31, 1778. See the notes to the Ordinance of the First Constitutional Convention passed September 3, 1776, Chapter 731; and to the Act of Assembly passed March 14, 1777, Chapter 748.

CHAPTER DCCCV.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT DIRECTING THE MODE AND TIME OF ELECTING JUSTICES OF THE PEACE FOR THE CITY OF PHILADELPHIA AND THE SEVERAL COUNTIES IN THIS COMMONWEALTH AND FOR OTHER PURPOSES THEREIN MENTIONED."

(Section I, P. L.) Whereas, notwithstanding the provision made in the act of general assembly of this commonwealth, entitled "An act directing the mode and time of electing justices of the peace for the city of Philadelphia, and the several and respective counties in this commonwealth, and for other pur-