

No. 241.

AN ACT

To amend the act, approved the first day of April, one thousand nine hundred and nine (Pamphlet Laws, ninety-one), entitled "An act relating to deeds for conveying or releasing lands, construing words and phrases used therein, and prescribing a form of deed and acknowledgment which may be used for conveying or releasing lands," by prescribing with more particularity the interest conveyed, and abolishing the necessity of personal seal on deeds or instruments in writing for conveying or releasing lands.

Deeds.

Section 1 of act of April 1, 1909 (P. L. 91), amended.

Section 1. Be it enacted, &c., That section one of the act, approved the first day of April, one thousand nine hundred and nine (Pamphlet Laws, ninety-one), entitled "An act relating to deeds for conveying or releasing lands, construing words and phrases used therein, and prescribing a form of deed and acknowledgment which may be used for conveying or releasing lands," is hereby amended to read as follows:

"Grant and convey" construed to pass fee simple title.

Section 1. Be it enacted, &c., That from and after the approval of this act, in any deed or instrument in writing for conveying or releasing land hereafter executed, unless expressly limited to a lesser estate, the words "grant and convey," or either one of said words, shall be effective to pass to the grantee or grantees named therein a fee simple title to the premises conveyed, if the grantor or grantors possessed such a title, although there be no words of inheritance or of perpetuity in the deed.

Section 2 of act amended.

What included in grant or conveyance.

Section 2. That section two of said act is hereby amended to read as follows:

Section 2. All deeds or instruments in writing for conveying or releasing land hereafter executed, granting or conveying lands, unless an exception or reservation be made therein, shall be construed to include all the estate, right, title, interest, property, claim, and demand whatsoever, of the grantor or grantors, in law, equity, or otherwise howsoever, of, in, and to the same, and every part thereof, together with all and singular the improvements, ways, waters, water-courses, rights, liberties, privileges, hereditaments, and appurtenances whatsoever thereto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof.

Section 3 of act amended.

Words "grant and convey" adjudged an express covenant.

Section 3. That section three of said act is hereby amended to read as follows:

Section 3. That the words "grant and convey," or either one of said words, in any deed or instrument in writing for conveying or releasing land hereafter executed, shall be adjudged an express covenant to

the grantee, his heirs and assigns; to wit, That the grantor was seized of an indefeasible estate in fee simple in the property conveyed, freed from incumbrances done or suffered from the grantor, as also for quiet enjoyment against the grantor, his heirs and assigns, unless limited by express words contained in such deed.

Section 4. That section four of said act is hereby amended to read as follows:

Section 4 of act amended.

Section 4. That a covenant or agreement by the grantor or grantors, in any deed or instrument in writing for conveying or releasing land that he, they, or it "will warrant generally the property hereby conveyed," shall have the same effect as if the grantor or grantors had covenanted that he or they, his or their heirs and personal representatives or successors, will forever warrant and defend the said property, and every part thereof, unto the grantee, his heirs, personal representatives and assigns, against the lawful claims and demands of all persons whomsoever.

Effect of covenant of general warranty.

Section 5. That section five of said act is hereby amended to read as follows:

Section 5 of act amended.

Section 5. That a covenant or agreement by the grantor or grantors in any deed or instrument in writing for conveying or releasing land that he, they, or it "will warrant specially the property hereby conveyed," shall have the same effect as if the grantor or grantors had covenanted that he or they, his or their heirs and personal representatives or successors, will forever warrant and defend the said property, and every part thereof, unto the said grantee, his heirs, personal representatives and assigns, against the lawful claims and demands of the grantor or grantors, and all persons claiming or to claim by, through, or under him or them.

Effect of covenant of special warranty.

Section 6. That section six of said act is hereby amended to read as follows:

Section 6 of act amended.

Section 6. That whenever, in any deed or instrument in writing for conveying or releasing land, there shall be used the words "release and quit claim," such deed or instrument in writing or conveying or releasing land shall be construed as if it set forth that the grantor or grantors hath or have remised, released, and quit-claimed, and by these presents doth or do remise, release, and forever quit-claim, unto the grantee, his heirs and assigns, all right, title, interest, property, claim, and demand whatsoever, both in law and in equity, in or to the lands or premises released, or intended so to be, so that neither the grantor or grantors, nor his or their personal representatives, his or their heirs or assigns, shall, at any time thereafter, have, claim, challenge, or demand the said

Effect of words "release and quit claim."

lands and premises, or any part thereof, in any manner whatever.

Section 7 of act amended.

Section 7. That section seven of said act is hereby amended to read as follows:

Form of deed.

Section 7. That the form of deed for conveying or releasing lands may be in the following words:

THIS DEED,

Made theday of..... in the year nineteen hundred and, between, (Here insert name or names and residence of grantor or grantors), and, (Here insert name or names and residence of grantee or grantees);

Witnesseth, That in consideration of dollars, in hand paid, the receipt whereof is hereby acknowledged, the said grantor do hereby grant and convey (or release and quit-claim) to the said grantee, all (Here give location and description of property conveyed or released, with recital of title if desired.) (If reservations, exceptions, or special conditions, insert same here.) (If covenants of general or special warranty, insert same here.)

In witness whereof, said grantor [has] *ha* hereunto set hand [and seal], the day and year first above written.

.....[seal]
.....[seal]

Signed and delivered in the }
presence of }

.....
.....

Section 8 of act amended.

Section 8. That section eight of said act is hereby amended to read as follows:

Form of certificate of acknowledgment

Section 8. That the form of certificate of acknowledgment of individuals (single or married) of any deed may be in the following words:—

[State] Commonwealth of Pennsylvania, }
County of } ss:

On this day of A. D. 19..., before me, a..... in and for came the above named and acknowledged the foregoing deed to be act and deed, and desired the same to be recorded as such.

Witness my hand and seal, the day and year aforesaid.
(Seal)

.....
.....
(Official character.)

My commission expires.....

Section 9. That said act is hereby amended by adding thereto a new section, as follows:

Act amended by adding new section.

Section 9. All deeds or instruments in writing for conveying or releasing lands made by any natural person, either in his individual capacity or as a fiduciary, duly signed by the grantors in the manner now provided by law, but with no seal affixed thereto, shall be deemed to be executed with the same force and effect in all respects as though a seal was affixed to the signature, and all such instruments in writing, signed by the grantors, but with no seal affixed thereto, shall be deeds for all purposes within the purview of all acts or parts of acts of Assembly relating to or concerning deeds for the conveyance or releasing of lands.

Deeds or instruments in writing for conveying or releasing lands to be effective without seal.

APPROVED—The 30th day of April, A. D. 1925.

GIFFORD PINCHOT.

No. 242.

AN ACT

To amend clause fifteen of section three hundred and eighty of the act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto," by permitting the establishment of lights along county highways, with the approval of the county commissioners, in townships of the first class.

Section 1. Be it enacted, &c., That clause fifteen of section three hundred and eighty of the act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto," is hereby amended to read as follows:

Townships of first class.

Clause 15, section 381 of act of July 14, 1917 (P. L. 840), amended.

XV. To establish lights on and along State highways, county highways, and turnpike roads running through such township. No such lights shall be established upon State highways, or upon turnpike roads under the jurisdiction of the State Highway Department, until a permit has first been obtained

Lights along State or county highways.