

CHAPTER DCCXXXVI.

1777.

An ACT to revive and put in force an act, entitled *An Act to regulate the fishery in the river Schuylkill.*

WHEREAS by an act of General Assembly of the province of Pennsylvania, passed the ninth day of March, in the year of our Lord one thousand seven hundred and seventy-one, entitled *An act to regulate the fishery in the river Schuylkill,** the shad fisheries were put under certain regulations, that have been found to be very advantageous to the inhabitants residing near the said river: And as the said act is expired by its own limitation, and as the season for such fishery is approaching, such act ought to be in force:

* Ante. chap. 621. See also chap. 465. ante. p. 235. and the notes thereto subjoined.

II. Therefore, be it enacted, and it is hereby enacted, That the act of General Assembly of the province of Pennsylvania, entitled *An Act to regulate the fishery in the river Schuylkill,* and every part, parcel, article, matter and clause, therein contained, are hereby declared to be in force and binding on all the inhabitants of this state; and all Justices, Constables and other officers, who may be in any wise concerned in the execution of the said act, are hereby strictly enjoined and required to yield obedience thereto, according to the duties of their several offices, and to do and perform all and singular the services and duties by the said act of them required to be done and performed, as they will answer the contrary at their peril.

The act to regulate the fishery, &c. continued,

III. And be it further enacted, That the aforesaid act of General Assembly, and the regulations and restrictions therein mentioned, contained and comprised, shall be deemed, taken and construed to extend down the river Delaware as far as the Island called the Province Island extends, any thing in the said recited act to the contrary notwithstanding.

and shall extend to the Province Island.

Passed 14th March, 1777.—Recorded in Law Book vol. I. page 92.

CHAPTER DCCXXXVII.

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.

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:

[See ante. p. 33. chap. 133. and the notes thereto subjoined.]

III. And be it further enacted, 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, The sums in which security is to be given by the several Re-

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agreeable to the said constitution, and give bond to the Speaker of the House of Assembly for the time being, with one or more sufficient 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.

Powers, &c.
of the officers.

IV. *And be it further enacted*, 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.

[* Fees regulated post. chap. 1852.]

They are to deliver up the records to their successors.

V. *And be it further enacted*, 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.

Registers shall appoint deputies.

VI. *And be it further enacted*, 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

President and Council may appoint in case of vacancy.

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. 1777.

VII. *Provided always, and be it further enacted,* That the officers, by this act appointed, and called Registers, in each county respectively, 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: Provisp.

VIII. *Be it therefore enacted,* 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 main-prize, until the said books, records and other papers, and the said seals of office, shall be delivered up as aforesaid. Penalty on former officers refusing to deliver up the records, &c.

IX. *And be it further enacted,* 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 and Council shall appoint and commissionate some fit person to be the officer in his stead. If officers neglect to qualify, others are to be appointed by the President and Council.

Passed 14th March, 1777.—Recorded in Law Book vol. I. page 93.