

1778. had been naturalized by law in due form made and enacted for that purpose, any law, usage or custom, to the contrary thereof in any wise notwithstanding.

Passed 31st August, 1778.—Recorded in Law Book vol. I. page 202.

CHAPTER DCCXCIII.

[See the act for the acknowledging and recording of Deeds, and the notes thereto, ante. pa. 94, chap. 208.]

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.

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*,* 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 conveyances 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.

II. 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.

III. 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, 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 Keppele, the younger, Joseph Blewer, Samuel Mifflin, George Gray, John Bull, Henry

* Ante. pa. 429, chap. 726.

Justices of the Peace appointed by the Convention.

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Wynkoop, Benjamin Bartholomew, John Hubly, Michael Swope, 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 Cowperthwaite, Christopher Marshal, the elder, Francis Gurney, Robert Knox, Matthew Clarkson, William Coates, William Ball, Philip Behm, Francis Casper Hassenclever, Thomas Cuthbert, the elder, Moses Bartram, 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 Bensell, 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 M'Mullen, 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 Whelen, William Denny, Samuel Bond, and Robert Mendenhall, Esquires, for the county of Chester; Emanuel Carpenter, Edward Shippen, William Henry, Michael Hubley, William Bousman, Ludwig Lauman, James Bird, James Work, Timothy Green, John Thome, Moses Erwin, John Ferric, Zaccheus Davis, David Jenkins, John Whitehill, James Clemson, William Brown, James Murray, Robert Thompson, Robert Barber, Thomas Whitesides, Michael Bright, and Christopher Wægman, Esquires, for the county of Lancaster; Robert M'Pherson, Martin Eichelberger, Samuel Edie, David M'Conaughy, Richard M'Alister, Henry Slagel, Matthew Dill, William Rankin, William Lees, William Bailey, William Scott, William Smith, William M'Caskey, Josia Scott, Thomas Latta, William M'Clean, and John Mickle, the younger, Esquires, for the county of York; John Armstrong, John Byers, John Reynolds, Jonathan Hoge, Robert Miller, George Robeson, John Holmes, James Oliver, John Agnew, John Alison, James Maxwell, Samuel Lyon, William Brown, James Dunlap, John M'Clay, William Elliot, Matthew Henderson, and Frederick Watt, Esquires, for the county of Cumberland; James Read, Peter Spyker, Jacob Morgan, George Douglas, Mark Birk, Henry Christ, Baltzar Geer, John Patton, Thomas Dundas, Christopher Witman, Richard Tea, and Bastian Levan, Esquires, for the county of Berks; Robert Trail, Jacob Moory, Christopher Wagener, Henry Kooker, John Weitzel, Peter Traxler, senior, Nicholas Dupui, Evan Morgan, Robert Forgerman, and Henry Barnett, 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 Elliot, William Parker, Evan Shelby, David

1778. 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 Philips, William Holiday, the younger, Charles Cessna, John Mitchel, and Richard Brown, Esquires for the county of Bedford; Samuel Hunter, James Potter, William McClay, Robert Moodie, John Lowden, Benjamin Weizer, John Fleming, Henry Antis, and John Simpson, Esquires, for the county of Northumberland; and Robert Hanna, William Lockary, 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 Elliott, George Latimore, and Samuel Burns, Esquires, to be Justices of the Peace for 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.

Members of
Council Jus-
tices *ex officio*
by the con-
stitution.

IV. 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.

V. And whereas the Supreme Court of this commonwealth, 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.

VI. But forasmuch 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,

Acknowledg-
ments and
probates of
deeds made
before the
aforesaid
Justices, &c.
made valid.

VII. *Be it enacted, and it is hereby enacted,* 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 ap-

pointed, 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.

VIII. *Provided always, and it is hereby further enacted,* 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.

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Provided the deeds are recorded within nine months,

IX. And whereas the late office of 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 a 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*: 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.

X. *Be it further enacted,* 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 ap-

Letters testamentary, &c. rendered valid till the new offices opened. [See ante. pa. 33, chap. 133, and the notes thereunto subjoined and also chap. 737, ante. pa. 443.]

1778. pointed 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 31st August, 1778.—Recorded in Law Book vol. I. page 202.

CHAPTER DCCXCVII.

A SUPPLEMENT to the act, entitled *An act for the better preventing obstructions to the navigation of Chester creek, and other navigable creeks and rivers in this province.*

WHEREAS, in pursuance of an act of General Assembly of the province of Pennsylvania, entitled *An act for the better preventing obstructions to the navigation of Chester creek, and other navigable creeks and rivers in this province*, a draw-bridge, which in the year one thousand seven hundred had been first built over the said creek, was, in the year one thousand seven hundred and twenty-five, rebuilt, and ever since repaired and maintained, at the public charge of the said county of Chester, and the same bridge is at last decayed and ruined, and it is necessary, for the convenience of travellers on the high road, that a good safe bridge over the said creek should be always maintained and kept in repair, but the draw or engine to raise and lower the same is of no public utility, and yet attended with extraordinary expenses and inconveniences to the public: Therefore,

II. Be it enacted, and it is hereby enacted, That the Commissioners and Assessors, with the concurrence of the Magistrates of the county of Chester, shall, as soon as may be, cause a new bridge to be built at the place where the old bridge formerly stood, leaving at least twenty feet clear between the timber or stone work, and not less than eighteen feet in breadth, and eight feet headway at high water, for the easy passage for rafts, flats, shallops, and other crafts; and that the said bridge shall be made fast, and close continued from one side of the creek to the other, without any draw or opening for a mast, any thing in the said act of General Assembly to the contrary thereof notwithstanding.

III. And be it further enacted, That so much of the said recited act, to which this is a supplement, as is herein altered or amended, is hereby declared to be repealed, and of no further force or effect.

Passed 3d. September, 1778.—Recorded in Law Book vol. I. page 209.

[Original act, ante. p. 168, chap. 288.]

Commissioners, &c. may build a new bridge, without a draw.

Repeal.