

1791. *Elections where held.* ty, and that the freemen of said townships of Upper-Smithfield and Delaware, shall hereafter meet at the house now occupied by Johannes Van Etten, in the said township of Delaware, for the purpose of holding elections, conformably to the constitution and laws of this commonwealth.

Passed 5th March, 1791.—Recorded in Law Book, No. IV. page 129.

CHAPTER MDXX.

An ACT to enable the Governor to appoint Notaries Public, and for other purposes therein mentioned.

SECT. I. **WHEREAS** the establishment of public notaries has been found useful in all commercial countries :

SECT. II. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,*

The govern-
or to appoint
notaries,

where to
reside.

Number
regulated.

*[See note.]

Proviso.

Power of
notaries to
administer
oaths, &c.

Further
powers of
notaries.

That after the first day of September next, the governor shall appoint and commission a competent number of persons, of known good character, integrity and abilities, as notaries public for the commonwealth of Pennsylvania, to reside within such place or places within this state, as the governor shall in and by the respective commissions direct; and the said notaries, whilst residing in such place or places, shall hold their said respective commissions during good behaviour. *Provided always,* That there shall not be at any time more than six notaries appointed and commissioned to reside within the city and county of Philadelphia,* nor more than three to reside in any other county within this state. *And provided also,* that no person shall be commissioned as a notary, who shall not have resided within this commonwealth two years next previous to his appointment.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said notaries, so commissioned as aforesaid, and every of them, shall have the power of administering oaths and affirmations according to law, in all matters belonging or incident to the exercise of their notarial office, and that all and every person and persons, that shall be legally convicted of having wilfully and knowingly made or taken a false oath or affirmation, before any notary or notaries, in any matter or matters within his or their official duty, shall suffer the pains and penalties of wilful and corrupt perjury.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said notaries, and every of them, shall have the power to receive the proof or acknowledgment of all instruments of writing relating to commerce or navigation, such as bills of sale, bottomries, mortgages, and hypothecations of ships or vessels, charter parties of affreightment, letters of attorney, and such other writings, as have been usually proved or acknowledged before notaries within this commonwealth, and also to make declarations, and testify the truth thereof under their seals of office, concerning all matters by them done in virtue of their respective offices.

SECT. V. *And be it further enacted by the authority aforesaid,* 1791.
 That every of the said notaries shall keep fair registers of all official acts by them done in virtue of their office, and shall, when thereunto required, give a certified copy of any record in his office unto any person or persons applying for the same, such person or persons paying the customary fees therefor.

Notaries to keep registers.

SECT. VI. *And be it further enacted by the authority aforesaid,*
 That in case of the death, resignation, disqualification or removal of any of the said notaries, his or their registers, and other public papers, shall be lodged, within thirty days next after such death, resignation, disqualification, or removal, in the office of the recorder of deeds of the particular county where he or they resided, who may bring and maintain actions of trover or detinue for the same; and such registers, or public papers, shall not in any case be liable to be seized, attached, or taken in execution, for debt, or for any demand whatsoever.

In case of death the register of the deceased notary to be deposited in the office of the recorder of the proper county.

SECT. VII. *And be it further enacted by the authority aforesaid,*
 That every notary shall provide a public notarial seal, with which he shall authenticate all his acts, instruments and attestations, on which seal shall be engraved the arms of this commonwealth, and shall have, for legend, the name, surname, and office of the notary using the same, and the place of his residence.

Notaries to keep and use an official seal.

SECT. VIII. *And be it further enacted by the authority aforesaid,*
 That every notary, on his appointment, and before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, that he shall and will well and faithfully perform the duties of his office, and also that he shall and will support the constitution of this commonwealth; and also shall give bond, himself in a sum not exceeding six hundred pounds, and two sureties in a sum not exceeding three hundred pounds, each, conditioned for the faithful performance of the duties of his office, the amount of the said bonds to be determined on by the governor, which obligation shall be recorded in the rolls-office, or office for recording of deeds, within the respective counties where he may reside, and may be sued by any party or parties injured, in like manner, and with the like effect, as bonds given by sheriffs and coroners for the faithful execution of their respective offices. (k)

Notaries to take and subscribe an oath, &c.

and give security, &c.

Passed 5th March, 1791.—Recorded in Law Book No. IV. page 131.

(k) By an act passed 4th of April, 1798, chap. 1993. The governor is authorized to appoint two additional notaries public in the county of Philadelphia, one of whom shall hold his office only during the continuance of his residence in the district of Southwark, and

the other, only during his continuance in the Northern-Liberties, under the provisions and restrictions of the act in the text.

Respecting the fees of notaries public, see the act of 20th of April, 1795. (chap. 1952.)