

## CHAPTER CXXXII.

AN ACT FOR THE BETTER CONFIRMATION OF THE OWNERS OF LANDS  
AND INHABITANTS OF THIS PROVINCE, IN THEIR JUST RIGHTS  
AND POSSESSIONS.

Whereas the late King Charles the Second, by his royal charter to William Penn, proprietary and governor of this province, did declare, that the laws for regulating and governing of property within this province, for descent and enjoyment of lands, as likewise for the enjoyment and succession of goods and chattels, should be and continue the same as they should be for the time being by the general course of the law in England, until the said laws should be altered by the said William Penn, his heirs or assigns, and by the freemen of the said province, their delegates or deputies, or the greater part of them:

And whereas divers laws have been enacted in this province, that made all lands and tenements (without any regard to the fee-simple and other tenures by which they were held) as liable to pay debts as chattels, and to be taken and sold upon executions or by decrees in courts of equity, or to be sold by such executors as had no power by their testators' wills for so doing, and in certain cases to be sold by administrators, as also to be divided, allotted and distributed amongst the widows and children of intestates, in pursuance of which laws, divers lands, tenements and hereditaments in this province have been sold, delivered, assigned, allotted or distributed accordingly, now to the end that those sales, deliveries, assignments and allotments or distributions may have effect according to the tenor and true meaning of the said laws, and that the possessors and owners of the said lands and hereditaments so sold, delivered, assigned and distributed, and their heirs and successors may quietly have, hold and enjoy the same:

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the

advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That all and singular the bargains and sales, being made *bona fide* and for valuable consideration, as also all assignments, grants and allotments or distributions made to any person or persons whatsoever, of any lands, tenements and hereditaments in this province, according to the tenor and direction or the true intent and meaning of the said laws in those cases made and provided, shall be, and are hereby declared to be good and effectual, and shall stand and be taken, deemed and adjudged good, sure and available in law, against all persons whatsoever, according to the tenor and effect of the same bargains, sales, assignments, grants and allotments or distributions; and that every person and persons, bodies politic and corporate, their heirs and successors, and all claiming by, from or under them, or any of them, for and according to their and every of their several estates and interest of, in and to the said lands, tenements and hereditaments, with their appurtenances so as aforesaid sold, delivered, assigned and allotted, shall or may quietly and peaceably have, hold and enjoy the same lands, tenements and hereditaments and premises and every part thereof, against all and every person and persons, their heirs and assigns, having, claiming or pretending to have, any estate, right, title, interest, claim or demand whatsoever of, in or to the same.

Saving nevertheless, To all and every person and persons, bodies politic and corporate (other than to the person and persons for payment of whose debts or maintenance of whose widows and children, any of the said lands, tenements or hereditaments have been sold, delivered or conveyed as aforesaid, and his and their heirs; and other than to the heirs at law of the said intestates, or any claiming under them, who shall attempt to avoid or annul the said divisions, allotments or distributions which have been made of the said intestates' lands and hereditaments among their widows and children, by virtue or in pursuance of the said laws) all such actions, estates, possessions, rights, titles, interests, rents, profits and demands, as they or any of them have, shall, may or ought to have of, in or to all or any the said lands, tenements and hereditaments, or

any part thereof, in such manner and form as if this act had never been made; so that they do pursue their said rights, titles, claims and interest, by way of action or lawful entry, before the first day of October, which will be in the year of our Lord one thousand seven hundred and ten.

Provided always, That all and every the widows and children of intestates, to or amongst whom any lands, tenements or hereditaments have been allotted or distributed by virtue of the said laws, and all and every person or persons to whom any parts or purparts of lands, tenements and hereditaments have as aforesaid been, or hereafter shall be, sold or delivered upon executions, shall hold and enjoy their said respective parts, purparts or allotments in severalty, or as tenants in common, and not as joint tenants.

[Section II.] And be it further enacted by the authority aforesaid, That no deed, grant, conveyance or assurance heretofore made of any lands, tenements or hereditaments whatsoever, shall be judged or taken to be defective, avoided or prejudiced for or by reason of any want of form, or formal or orderly parts of a deed, as "the premises, *habendum, tenendum, redendum,*" the clause of warranty, the conclusion "In Witness whereof," and the date, or for mis-naming, mis-recital or non-recital of any the said lands or hereditaments or for mis-recital or non-recital or not mentioning, or not true mentioning, of the grantor's estate of, in or to the premises, or for want of livery and seizin, or attornment, or proofs of the consideration money actually paid, or for not producing in court, upon trial, any of the said deeds or grants recited in the said conveyances, or for not being recorded in the Rolls office: but, that all and every the said deeds, grants and conveyances, releases and assurances shall be, and are hereby declared and enacted to be, good and available in law, and shall be expounded as the law of this province was when they were made, and shall conclude all strangers as well as privies to the same: saving to every person and persons, other than to the said grantors, their heirs and successors, all such rights, titles, estates, claims and interests as they or any of them had, or ought to have, of, in or to the said lands, tenements and hereditaments, or any part thereof, at the time

when such deeds or conveyances were sealed and delivered, so as they do pursue their said rights, titles, claims or interests by way of action or lawful entry before the first day of October which shall be in the year of our Lord one thousand seven hundred and ten.

Passed January 12, 1705-6. Allowed to become a law by lapse of time in accordance with the proprietary charter, having been considered by the Queen in Council, October 24, 1709, and not acted upon. See Appendix II, Section III. This act is retrospective except the proviso to Section I, the provisions of which are made general by the Act of Assembly passed March 31, 1812, P. L. 259.

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### CHAPTER CXXXIII.

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#### AN ACT CONCERNING THE PROBATES OF WRITTEN AND NUNCUPATIVE WILLS AND FOR CONFIRMING DEVICES OF LANDS.

[Section I.] Be it enacted by John Evans, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That all wills in writing, wherein or whereby any lands, tenements or hereditaments within this province have been, are or shall be devised (being proved by two or more credible witnesses upon their solemn affirmation, or by other legal proof, in this province, or being proved in the Chancery in England, and the bill, answer and depositions transmitted hither under the seal of that court, or being proved in the hustings or mayor's court in London, or in some manor-court, or before such as have or shall have power in England or elsewhere to take probates of wills and grant letters of administration, and a copy of such will, with the probate thereof annexed or endorsed, being transmitted hither under the public or common seal of the courts or officers where the same have been or shall be taken or granted, and recorded or entered in the register-general's office in this