

CHAPTER CLV.

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AN ACT FOR CONFIRMING THE SALES OF LANDS BY ATTORNEYS OR AGENTS, AND FOR ASCERTAINING THE PROOF OF INSTRUMENTS OR WRITINGS MADE OUT OF THIS PROVINCE.

Whereas divers persons living out of this province are and have been owners of lands within the same, and such persons have usually appointed attorneys to sell and dispose thereof; to the end therefore that those who have so purchased and their heirs or assigns forever hereafter be secured in their titles and estates:

[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 sales of lands, tenements and hereditaments, formerly made by any attorneys or agents who have been appointed such by any person or persons who had right so to do, and especially giving them power or directions therein to sell or convey lands, are and shall be deemed and adjudged good and effectual in law to all intents, constructions and purposes whatsoever, as fully as if the said owners of such lands had, by their own deeds, bargains and sales, actually and really sold and conveyed the same; and all and singular the lands, tenements and hereditaments sold and conveyed as aforesaid, shall be and remain to such purchaser respectively, their heirs and assigns forever, as they were or ought to have been to the owner or owners of such lands and premises, so employing his or their attorneys or agents as aforesaid.

[Section II.] And be it further enacted by the authority aforesaid, That all and every bonds, specialties, letters of attorney and other powers in writing which shall be produced in any court or before any magistrate in this province, the execution whereof being proved by two or more of the witnesses there-

unto, before any mayor or chief magistrate or officer of the cities, towns or places where such bonds, letters of attorney or other writings are or shall be made or executed, and accordingly certified under the common or public seal of the cities, towns or places where the said bonds, letters of attorney or other writings are so proved respectively, shall be taken and adjudged as sufficient in law as if the witnesses therein named had been present, and such certification shall be sufficient evidence to the court and jury for the proof thereof.

[Section III.] And be it further enacted by the authority aforesaid, that all sales or conveyances of lands, tenements or hereditaments which shall hereafter be made by virtue of any letters or powers of attorney or agency duly executed, which do or shall expressly give power to sell lands or other estates, and be certified to have been proved as aforesaid, or shall be proved in this province before any justice of the peace by one or more of the witnesses thereto, shall be good and effectual in law to all intents, constructions and purposes whatsoever, as if the said constituent or constituents had by their own deeds, bargains and sales actually and really sold and conveyed the same.

Provided always, That no sale of lands, tenements and hereditaments made by virtue of such power or powers of attorney or agency as aforesaid, shall be good and effectual, unless such sale be made and executed while such power is in force; and all such powers shall be accounted, deemed and taken to be in force until the attorney or agent shall have due notice of a countermand, revocation or death of the constituent.

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 and the Acts of Assembly passed February 24, 1770, Chapter 605; January 16, 1827, P. L. 9; April 3, 1840, P. L. 233; March 14, 1850, P. L. 195; December 14, 1854, P. L. 1855, 724, and March 20, 1860, P. L. 204.