

wharfrage of such as use the public wharves of this city (the inhabitants of this province excepted).

And for the easier recovery of small debts and settling a more regular course of proceeding in the execution of a law of this province, entitled "An act for determining debts under forty shillings,"¹ the mayor or any one magistrate, with the recorder of the said city, may hold a court twice in every month or oftener if need be, and shall have full power to determine all debts not exceeding forty shillings.

Provided always, That the whole charges of proceedings in the said courts shall not exceed the fees by law allowed in such cases.

Passed June 7, 1712. Repealed by the Queen in Council, February 20, 1713-14. See Appendix III, Section II, and the Acts of Assembly passed May 28, 1715, Chapter 211; August 26, 1721, Chapter 245; August 19, 1749, Chapter 379; March 14, 1761, Chapter 459, and March 26, 1762, Chapter 480.

CHAPTER CLXXXVII.

AN ACT CONCERNING THE REGISTER-GENERAL'S OFFICE.

Whereas by a law of this province made in the year one thousand seven hundred and five, entitled "An Act concerning the probates of written and nuncupative wills, and for confirming devises of land,"² it is amongst other things enacted that there should be an officer called register-general, to be commissioned by the governor from time to time, for the probate of wills and granting letters of administration in this province; which register-general should keep his office at Philadelphia and should from time to time constitute a sufficient deputy to officiate for him in each of the other counties of this province; but inasmuch as no register has been commissioned and deputies constituted in each county, as the said act directs:

[Section I.] Be it, therefore, enacted by Charles Gookin, Esquire, by the Queen's royal approbation, Lieutenant-Governor

¹ See Chapters 36 and 130.

² See Chapter 133.

under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania, 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 the said proprietary and governor-in-chief or his lieutenant-governor for the time being shall, on or before the first day of the month called August next, commissionate a register-general for the probate of wills and granting letters of administration in this province. But in case of the removal of such register-general by death or otherwise, then another fit person shall, within three weeks after such removal, be commissioned as aforesaid, in the room of the register-general so removed, who shall keep his office at Philadelphia as the said act directs and shall from time to time constitute a sufficient deputy to officiate for him in each of the said other counties; who, being by him deputed, shall be and are hereby empowered to take probate of wills and grant letters of administration in the respective counties, and to have a common seal according to the tenor and direction of the said act.

Provided always, That if the said proprietary or his lieutenant-governor shall refuse or neglect to commissionate a register-general from time to time, as this act directs, then the commissioners, agents or stewards of the said proprietary, his heirs or assigns, who are or shall be empowered to act for him or them in matters relating to the seigniorship or propriety of this province, shall commissionate a register-general, within three weeks after the time hereby appointed for the governor to do the same. But if the said commissioners, agents or stewards shall refuse or neglect to do their duty therein, according to the direction of this act, then the justices of the court of common pleas for the said county of Philadelphia for the time being or the major part of them shall, as often as there may be occasion, commissionate the said officer called register-general at Philadelphia, who shall be and is hereby empowered and required to officiate as fully and effectually as any register-general ever could or can do, according to the powers granted by the royal charter or by virtue of the said act.

[Section II.] And be it further enacted by the authority

aforesaid, That before any register-general or his deputy shall enter upon their respective offices he shall find one or more sufficient sureties together with himself to become bound to the said proprietary, his heirs and assigns, proprietaries of this province, in a bond of the penalty of five hundred pounds, for the true and faithful execution and discharge of his office, and for the delivery of the records and other writings belonging to the same by him, his heirs, executors or administrators to his successor in the said office, whole and undefaced; which said bonds shall be entered on record in the office of the prothonotaries or clerks of the said court of common pleas in the said respective counties, to be safely kept by them and to be made use of as the said act directs.

[Section III.] And be it further enacted, That where objections are made or caveats entered against the proving of any will or granting letters of administration, and where there is or shall be occasion to take the final accounts of executors or administrators, or make distribution of decedents' estates, the register-general and his deputies, respectively, shall, in every such case, call to their assistance two or more of the justices of the said court of common pleas for the county where they are concerned, who are hereby empowered and required to give their assistance accordingly to decide the said caveats and matters in controversy, settle the said accounts, make distributions, and do all such other judicial acts as do or shall belong or ought of right to be done by any person or persons having power by law to take probate of wills and grant administration.

And when the register-general or his deputies for the time being are, by the duty of their office, required to administer oaths in any case, and shall happen to be such who for conscience' sake cannot administer oaths, they shall apply to some of the said justices in the proper county who are hereby empowered and required to administer the same, which shall be as effectual in law as if it had been administered by the register-general or his deputies respectively.

Provided always, That nothing in this act contained shall extend or be construed to extend to annihilate or make void the above-recited act or any part thereof, save only what is

hereby expressly altered and supplied, but that the same act, in every other respect, shall remain and be in full force and virtue as the same ought to have been in, if this act had not been made, anything hereinbefore contained to the contrary in anywise notwithstanding.

Passed June 7, 1712. Confirmed by the Queen in Council, February 20, 1713-14. See Appendix III, Section II, and the Act of Assembly passed March 27, 1712-13, Chapter 197. Supplied by the Constitution of 1776, Section XXXIV, and the Act of Assembly passed March 14, 1777, Chapter 748.

CHAPTER CLXXXVIII.

AN ACT FOR EMPOWERING RELIGIOUS SOCIETIES TO BUY, HOLD AND ENJOY LANDS, TENEMENTS AND HEREDITAMENTS.

[Section I.] Be it enacted by Charles Gookin, Esquire, by the Queen's royal approbation Lieutenant-Governor under William Penn, Esquire, absolute Proprietary and Governor-in-Chief of the Province of Pennsylvania, 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 it shall and may be lawful to and for all religious societies or assemblies and congregations of Protestants within this province to purchase any lands or tenements for burying-grounds and for erecting houses of religious worship, schools and hospitals, and by trustees or otherwise, as they shall think fit, to receive and take grants or conveyances for the same, for any estate whatsoever, to and for the use or uses aforesaid, to be holden of the lord of the fee, by the accustomed rents and services.

[Section II.] And be it further enacted by the authority aforesaid, That all sales, gifts or grants made to any of the said societies, or to any person or persons in trust for them or any of them of, for or concerning any lands, tenements or hereditaments within this province, for and in any estate whatsoever, shall be and are by this act ratified and confirmed, accord-