

## CHAPTER CCVIII.

## AN ACT FOR ACKNOWLEDGING AND RECORDING OF DEEDS.

[Section I.] Be it enacted by Charles Gookin, Esquire, by the royal approbation Lieutenant-Governor, under William Penn, Esquire, 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 there shall be an office of record in each county of this province which shall be called and styled The Office for Recording of Deeds, and shall be kept in some convenient place in the said respective counties; and the recorder shall duly attend the service of the same, and, at his own proper costs and charges, shall provide parchment or good large books of royal or other large paper, well bound and covered, wherein he shall record, in a fair and legible hand, all deeds and conveyances which shall be brought to him for that purpose, according to the true intent and meaning of this act.

[Section II.] And be it further enacted, That all bargains and sales, deeds and conveyances of lands, tenements and hereditaments in this province, may be recorded in the said office; but before the same shall be so recorded, the parties concerned shall procure the grantor or bargainor named in every such deed, or else two or more of the witnesses (who were present at the execution thereof) to come before one of the justices of the peace, of the proper county or city where the lands lie, who is hereby empowered to take such acknowledgment of the grantor, if one, or of one of the grantors, if more.

But in case the grantor be dead, or cannot appear, then the witnesses brought [before] such justice shall by him be examined upon oath or affirmation, to [prove the] execution of the deed then produced, whereupon the same justice shall, under his hand and seal, certify such acknowledgment or proof upon

the back of the deed, with the day and year when the same was made, and by whom. And that after the recorder has recorded any of the said deeds, he shall certify, on the back thereof, under his hand and seal of his office, the day he entered it, and the name or number of the book or roll and page where the same entered.

[Section III.] And be it further enacted, That all deeds and conveyances made and granted out of this province, and brought hither and recorded in the county where the lands lie (the execution whereof being first proved by the oath or solemn affirmation of one or more of the witnesses thereunto, before one or more of the justices of the peace of this province, or before any mayor or chief magistrate or officer of the cities, towns or places where such deeds or conveyances are or shall be made or executed, and accordingly certified under the common or public seal of the cities, towns or places where such deeds or conveyances are so proved respectively), shall be as valid as if the same had been made, acknowledged or proved in the proper county where the lands lie in this [province].

[Section IV.] And be it further enacted, by the authority aforesaid, That all deeds and conveyances made or to be made, and proved or acknowledged and recorded as aforesaid, which shall appear so to be by endorsement made thereon, according to the true intent and meaning of this act, shall be of the same force and effect here, for the giving possession and seizing, and making good the title and assurance of the said lands, tenements and hereditaments, as deeds of feoffment with livery and seizin, or deeds enrolled in any of the King's courts of record at Westminster, are or shall be in the kingdom of Great Britain. And the copies or exemplifications of all deeds so enrolled being examined by the recorder, and certified under the seal of the proper office (which the recorder, or keeper thereof, is hereby required to affix thereto) shall be allowed in all courts where produced, and are hereby declared and enacted to be [as good evidence] and as valid and effectual in law as the original deeds themselves, [or as] bargains and sales enrolled in the said courts at Westminster, and copies thereof, can be; and that the same may be showed, pleaded and made use of accordingly.

[Section V.] And be it further enacted, That [in] all deeds to be recorded in pursuance of this act, whereby any estate of inheritance in fee-simple shall hereafter be limited to the grantee and his heirs, the words "grant, bargain, sell" shall be adjudged an express covenant to the grantee, his heirs and assigns, to wit: That the grantor was seized of an indefeasible estate in fee-simple, freed from incumbrances done or suffered from the grantor (excepting the rents and services due to the lord of the fee), as also for quiet enjoyment against the grantor, his heirs and assigns (unless limited by express words contained in such deed). And that the grantee, his heirs, executors, administrators and assigns may, in any action, assign breaches, as if such covenants were expressly inferred.

Provided always, That this act shall not extend to leases at rack rent, or to leases not exceeding one-and-twenty years, where the actual possession goes with the lease.

[Section VI.] And be it further enacted, That if any person shall forge any entry of the [said] acknowledgments, certificates or indorsements, whereby the freehold or inheritance of any man may be charged, he shall be liable to the penalties against forgers of false deeds, &c. And if any person shall perjure himself in any of the cases hereinabove mentioned, he shall incur the like penalties as if the oath or affirmation had been in any court of record.

[Section VII.] And be it further enacted, That no deed of mortgage, or defeasible deed in the nature of mortgages, hereafter to be made, shall be good or sufficient to convey or pass any freehold or inheritance, or to grant any estate therein for life or years, unless such deed be acknowledged or proved and recorded within six months after the date thereof, where such lands lie, as hereinbefore directed for other deeds.

[Section VIII.] And be it further enacted by the authority aforesaid, That any mortgagee of any real or personal estates in this province, having received full satisfaction and payment of all such sum and sums of money as are really due to him by such mortgage, shall, at the request of the mortgagor, enter satisfaction upon the margin of the record of such mortgage recorded in the said office; which shall forever thereafter dis-

charge, defeat and release the same; and shall likewise bar all actions brought or to be brought thereupon.

And if such mortgagee, by himself or his attorney, shall not, within three months after request and tender made for his reasonable charges, repair to the said office and there make such acknowledgment as aforesaid, he, she or they neglecting so to do shall for every such offense forfeit and pay unto the party or parties aggrieved any sum not exceeding the mortgage money, to be recovered in any court [of] record within this province, by bill, plaint or information.

[Section IX.] And be it further enacted by the authority aforesaid, That Charles Brockden, of Philadelphia, gentleman, shall be Recorder of Deeds for the city and county of Philadelphia, and the several prothonotaries or county clerks of Bucks and Chester, in this province, shall be recorders of deeds for the said respective counties, who shall continue in their said office until a majority of the justices of the courts of quarter-sessions, in the said respective counties, shall see occasion to remove them and appoint others in their places. But before any of the said recorders enter upon their respective offices they shall find sureties as follows, viz.: The said Recorder of Deeds for the county and city of Philadelphia shall become bound to the governor of this province for the time being, with one or more sufficient sureties, in a bond of five hundred pounds, conditioned for the [true] and faithful execution of his office, and for delivering up the records and [other] writings belonging to the said office whole, safe and undefaced, to his successor in the said office; and the said county clerks of Bucks and Chester shall each of them, with one or more sureties, become bound as aforesaid, in a bond of two hundred pounds, conditioned as aforesaid; which said respective bonds shall be filed in the secretary's office, and there safely kept in order to be made use of for making satisfaction to the parties that shall be damnified or aggrieved, as is or shall be in such cases directed by the laws of this province.

And no recorder of deeds whatsoever, now or hereafter appointed as aforesaid, shall enter upon or officiate in his said office before he hath given such security as aforesaid, upon

pain of forfeiting the sum of one hundred pounds, the one-half to the governor, for support of government, and the other half to him or them that shall sue for the same, to be recovered as aforesaid.

[Section X.] And be it further enacted, by the authority aforesaid, That the said recorders, respectively, shall have and receive for recording and for copying or exemplifying all deeds, conveyances and writings entered in the said office, one halfpenny for every line containing not less than twelve words; and for every search one shilling; and for every acknowledging satisfaction, in the margin of a mortgage, recorded as aforesaid, one shilling; and shall have and receive for affixing the seal to every exemplification, one shilling, and for the seal of office and indorsement of certificate on each deed acknowledged, and his hand thereto, one shilling six pence.

And if any of the said recorders shall exact or take any more or greater fees, he or they so offending shall, for every offense, forfeit and pay the sum of five pounds, one-half thereof to the governor, for support of government, and the other half to him or them that shall sue for the same, to be recovered as aforesaid.

Passed May 23, 1715. Allowed to become a law by lapse of time, in accordance with the proprietary charter, having been considered by the Lords Justices in Council July 21, 1719, and not acted upon. See Appendix IV, Section II, and the Acts of Assembly passed February 18, 1769, Chapter 588; February 24, 1770, Chapter 605; March 18, 1775, Chapter 706; March 14, 1777, Chapter 748; August 31, 1778, Chapter 804; September 23, 1783, Chapter 1040; April 8, 1785, Chapter 1163; March 27, 1790, Chapter 1495; April 13, 1791, Chapter 1575; September 30, 1791, Chapter 1601; January 16, 1799, Chapter 2014; April 11, 1799, Chapter 2091; February 7, 1803, P. L. 305; April 2, 1804, P. L. 468; April 3, 1804, P. L. 488; January 20, 1806, P. L. 304; March 18, 1814, P. L. 132; January 25, 1816, P. L. 9; March 18, 1816, P. L. 160; January 9, 1817, P. L. 16; March 24, 1818, P. L. 285; March 23, 1819, P. L. 144; March 23, 1820, P. L. 141; January 18, 1821, P. L. 9; March 31, 1823, P. L. 216; April 1, 1823, P. L. 277; April 3, 1826, P. L. 187; January 16, 1827, P. L. 9; March 29, 1827, P. L. 154; April 14, 1828, P. L. 447; April 15, 1828, P. L. 490; April 8, 1829, P. L. 146; April 23, 1829, P. L. 341; April 6, 1830, P. L. 272; April 8, 1833, P. L. 305; April 15, 1834, P. L. 537; February 19, 1835, P. L. 39; March 28, 1835, P. L. 83; March 13, 1839, P. L. 92; March 23, 1839, P. L. 130; (resolution of) June 17, 1839, P. L. 676; April 3, 1840, P. L. 233; April 13, 1840, P. L. 303; (the two acts of) April 16, 1840, P. L. 357, 410; March 26, 1841, P. L. 106;

May 5, 1841, P. L. 350; April 6, 1843, P. L. 175; March 14, 1846, P. L. 124; March 9, 1847, P. L. 279; (the two acts of) April 11, 1848, P. L. 525, 536; January 24, 1849, P. L. 676; April 5, 1849, P. L. 344; April 9, 1849, P. L. 524; April 10, 1849, P. L. 619; March 13, 1850, P. L. 178; April 2, 1850, P. L. 312; April 22, 1850, P. L. 556; April 25, 1850, P. L. 569; April 26, 1850, P. L. 577; March 15, 1851, P. L. 163; April 3, 1851, P. L. 868; April 10, 1851, P. L. 505; April 15, 1851, P. L. 661; March 1, 1852, P. L. 100; March 18, 1852, P. L. 645; April 5, 1853, P. L. 295; April 26, 1854, P. L. 501; May 5, 1854, P. L. 572; May 6, 1854, P. L. 603; December 14, 1854, P. L. (1855) 724; April 27, 1855, P. L. 368; April 9, 1856, P. L. 294; (the two acts of) April 11, 1856, P. L. 304, 315; April 21, 1856, P. L. 484; April 2, 1859, P. L. 352; April 6, 1859, P. L. 383; March 20, 1860, P. L. 204; March 31, 1860, P. L. 382; April 3, 1860, P. L. 630; March 22, 1861, P. L. 185; March 27, 1862, P. L. 192; April 1, 1863, P. L. 188; (the three acts of) April 22, 1863, P. L. 533, 548, 572; August 10, 1864, P. L. 962; March 22, 1865, P. L. 30; March 27, 1865, P. L. 44; April 12, 1866, P. L. 864; (the two acts of) April 17, 1866, P. L. 108, 1004; May 17, 1866, P. L. 1085; March 23, 1867, P. L. 43; April 10, 1867, P. L. 67; April 2, 1868, P. L. 3; April 28, 1868, P. L. 1151; April 17, 1869, P. L. 68; January 26, 1870, P. L. 13; February 23, 1870, P. L. 32; June 15, 1871, P. L. 387; April 13, 1872, P. L. 1140; March 7, 1873, P. L. 222; May 25, 1874, P. L. 222; May 26, 1874, P. L. 229; March 18, 1875, P. L. 32; April 6, 1876, P. L. 18; April 28, 1876, P. L. 52; (the two acts of) May 13, 1876, P. L. 158, 160; May 18, 1876, P. L. 181; March 23, 1877, P. L. 29; April 17, 1878, P. L. 22; (the four acts of) May 25, 1878, P. L. 149, 151, 152, 155; June 12, 1878, P. L. 187; March 6, 1879, P. L. 4; June 11, 1879, P. L. 141; May 26, 1881, P. L. 35; (the two acts of) June 8, 1881, P. L. 69, 84; June 10, 1881, P. L. 97; (the two acts of) June 20, 1883, P. L. 136, 138; May 28, 1885, P. L. 24; June 3, 1885, P. L. 55; June 24, 1885, P. L. 160; April 28, 1887, P. L. 73; May 25, 1887, P. L. 270; May 9, 1889, P. L. 166; May 13, 1889, P. L. 197; May 23, 1889, P. L. 277; May 12, 1891, P. L. 53; May 20, 1891, P. L. 102; June 1, 1891, P. L. 159; May 19, 1893, P. L. 108; May 25, 1893, P. L. 136; May 31, 1893, P. L. 1838; June 6, 1893, P. L. 329; May 22, 1895, P. L. 113; May 28, 1895, P. L. 124.

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## CHAPTER CCIX.

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AN ACT FOR THE EASE OF SUCH AS CONSCIENTIOUSLY SCRUPLE  
TO TAKE THE SOLEMN AFFIRMATION FORMERLY ALLOWED IN  
GREAT BRITAIN.

Forasmuch as divers of the inhabitants of this province, who  
may be serviceable in the government, do conscientiously scru-