

Rhode Island, the sum of one thousand nine hundred and ten pounds three shillings; to the province of Massachusetts Bay, the sum of one thousand three hundred and ninety-six pounds six shillings and six pence; and to the province of New Hampshire, the sum of five hundred and five pounds eighteen shillings and six pence; these several sums being the respective proportions of the said ten thousand nine hundred and forty-seven pounds due to the said several colonies on a settlement and adjustment made in pursuance of General Amherst's return as aforesaid and of the aforesaid agreement.

[Section III.] And be [it] further enacted by the authority aforesaid, That the said treasurer shall pay the said several sums by discharging such orders or drafts as shall be drawn upon him in sterling money of Great Britain by any person or persons authorized and empowered as aforesaid respectively, according to the rate of exchange between the cities of London and Philadelphia at the time of such discharge or payment.

[Section IV.] And be it further enacted by the authority aforesaid, That the said treasurer shall account for the said sum so retained as aforesaid with the committee of assembly appointed for settling the public accounts and shall receive the same reward for performing the duties hereby required as if he had paid the whole sum aforesaid in bills of credit of this province to the said committee to be burnt, sunk and destroyed.

Passed March 23, 1764. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII.

CHAPTER DX.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR TAKING LANDS IN EXECUTION FOR PAYMENT OF DEBTS,"¹ AND FOR CONFIRMING PARTITIONS IN SEVERAL INSTANCES HERETOFORE MADE.

Whereas some sheriffs or other proper officers, who have taken lands, tenements and hereditaments in execution in pursuance

of the act, entitled "An act for taking lands in execution for payment of debts,"¹ have died or have been removed before any sale made thereof or after sale, but before any deeds executed to the purchasers; whereupon, in case of death, sales have been made, or deeds executed by the successor, and in case of removal sometimes by the successor and sometimes by the sheriff or other officer so removed.

And whereas sundry lands, tenements and hereditaments taken in execution by virtue of writs of *feri facias* have been sold and deeds executed for them without any writs of *venditioni exponas*, by reason whereof doubts have arisen whether such sales are good and effectual in law, to the great inconvenience of purchasers and debtors.

For remedy whereof:

[Section I.] Be it enacted by the Hónorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met and by the authority of the same, That wherever a sheriff or other proper officer who hath heretofore taken in execution any lands, tenements or hereditaments in pursuance of the said act hath died or been removed from his office by the expiration thereof before sale made of such lands, tenements or hereditaments, or hath sold the same but hath died or been removed as aforesaid before any deed executed by him to the purchaser, whereupon in case of removal sale hath been made and a deed executed to the purchaser for the premises either by the sheriff or other officer so removed or by his successor, or where the sale hath been made by the sheriff or officer so removed or deceased and the deed executed by his successor, with or without any writ of *venditioni exponas*, all such deeds and sales made *bona fide* for valuable consideration before the publication of this act shall be valid in law, and shall convey the same estate to the purchasers that the respective owners had in the premises so sold and conveyed at the time

¹ Passed January 12, 1705-6, Chapter 152.

of obtaining the judgment or of issuing the execution against them, any law, custom or usage to the contrary in any wise notwithstanding.

[Section II.] And be it further enacted by the authority aforesaid, That whenever any sheriff or other proper officer who shall, pursuant to the said act, hereafter take in execution and sell any lands, tenements or hereditaments shall die or be removed before any deed executed for the same by him to the purchaser, then and in every such case the plaintiff or purchaser may apply to the Supreme Court or to the county court of common pleas wherein judgment was obtained and set forth the case to the said court, with the reason why the title was not perfected by the former sheriff or other officer who sold the same; and thereupon the said court may, as they shall see cause, and as justice and equity shall require, order and direct the sheriff or other proper officer for the time being to perfect such title and execute a deed for the same to the purchaser; and upon such order obtained as aforesaid and entered on the records of the said court, it shall and may be lawful to and for any sheriff or other proper officer, according to the said order and direction, and they are hereby empowered and required, upon the full discharge and payment of the money or price for which the said lands, tenements or hereditaments were sold, with such costs and charges as remain unpaid to the former sheriff or other officer, to make, execute, deliver and acknowledge any deed or deeds and to perform and do all other matters and things that by the former sheriff or other officer might, could or ought to have been performed or done in and about the premises by virtue of the said recited act, which, when done and performed, shall be and be held and adjudged as effectual in law as if the title had been completed by the former sheriff or proper officer.

[Section III.] And be it further enacted by the authority aforesaid, That if any sheriff or other proper officer who shall hereafter take in execution any lands, tenements or hereditaments in pursuance of the said act shall die or be removed before any sale made thereof, then and in every such case the like process shall issue to the succeeding sheriff or other proper officer, and the same proceedings be had that might, could or

ought to have issued or have been had if such former sheriff or other officer had not died or been removed, which proceedings shall be and be held and adjudged as effectual in law as if had before the death or removal of the former sheriff or officer.

And whereas writs of partition have sometimes been executed and partitions made by persons who have been sheriffs after the expiration of their office and it hath been doubted whether such partitions are effectual in law.

For removing such doubts:

[Section IV.] Be it therefore enacted by the authority aforesaid, That all partitions that have been made by persons who have been sheriffs after the expiration of their office and confirmed by the courts respectively to which the writs were returnable, where the estates have been quietly held under such partitions and no action or suit hath hitherto been commenced for reversing or annulling the same, shall be and be deemed and adjudged as good and effectual in the law as if such partitions had been made before expiration of the office of the person so making the same.

[Section V.] And be it further enacted by the authority aforesaid, That an act of the general assembly of this province, entitled "A supplement to the act for taking lands in execution for the payment of debts,"¹ be and is hereby repealed and made void.

Passed March 23, 1764. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII, and the note to the Act of Assembly passed January 12, 1705-6, Chapter 152.

¹ Passed August 27, 1727, Chapter 299.