

VALIDATING CONVEYANCES - DEFECTIVE DEEDS

Act of Jan. 12, 1705, 1 Sm.L. No. 132

Cl. 68

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 3. And be it further enacted, 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, Reddendum, the Clause of Warrantee, the Conclusion, In Witness whereof, and the Date, or for Mis-naming, Mis-recital, or Non-recital of any of 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 1710.