

COMMISSIONED OFFICERS IN ARMED FORCES TO ADMINISTER OATHS

Act of Aug. 19, 1953, P.L. 1104, No. 301

Cl. 57

AN ACT

Relating to the acknowledgement of instruments, the attestation of documents, the administration of oaths and affirmations, the execution of depositions and affidavits, and other notarial acts, heretofore or hereafter taken before any commissioned officer of the armed forces of the United States, and providing that such instruments and documents executed by any person who is a member of or actually present with the armed forces of the United States or is outside the United States for certain purposes shall be legal, valid and binding, and providing for the form of the instrument or document and what proof shall be sufficient of the authority of such commissioned officer so to act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. (a) In addition to the acknowledgement of instruments and the performance of other notarial acts in the manner and form and as otherwise authorized by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other notarial acts performed, before or by any commissioned officer in active service of the armed forces of the United States with the rank of second lieutenant or higher in the army or marine corps, or with the rank of ensign or higher in the navy or coast guard, or with equivalent rank in any other component part of the armed forces of the United States, by any person who either (a) is a member of the armed forces of the United States, or (b) is a spouse of a member of the armed forces of the United States, or (c) is serving as a merchant seaman outside the limits of the United States included within the forty-eight states and the District of Columbia, or (d) is outside said limits by permission, assignment, or direction of any department or official of the United States Government in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. ((a) amended Jan. 31, 1956, 1955 P.L.970, No.299)

(b) Such acknowledgement of instruments, attestation of documents, administration of oaths and affirmations, execution of depositions and affidavits, and performance of other notarial acts, heretofore or hereafter made or taken, are hereby declared legal, valid and binding; and instruments and documents so acknowledged, authenticated, or sworn to, shall be admissible in evidence and eligible to record in this Commonwealth under the same circumstances and with the same force and effect as if such acknowledgement, attestation, oath, affirmation, deposition, affidavit, or other notarial act had been made or taken within this Commonwealth before or by a duly qualified officer or official as otherwise provided by law.

Section 2. In the taking of acknowledgements and the performing of other notarial acts requiring certification, a certificate endorsed upon or attached to the instrument or documents which shows the date of the notarial act, and which states in substance that the person appearing before the officer acknowledges the instrument as his act, or made or signed the instrument or document under oath, shall be sufficient for all intents and purposes. The instrument or document shall not be rendered invalid by the failure to state the place of execution or acknowledgement.

Section 3. If the signature, rank and branch of service, or subdivision thereof, of any such commissioned officer appear upon such instrument or document or certificate, no further proof of the authority of such officer so to act shall be required; and such action by such commissioned officer shall be prima facie evidence that the person making such oath or acknowledgement is within the purview of this act.

Section 4. The provisions of this act shall become effective immediately upon final enactment.