THE JOURNAL.

One country, one constitution one destin

Huntingdon July 28, 1841.

Democratic Candidate
FOR GOVERNOR,

JOHN BANKS,

OF BERKS COUNTY.

COUNTY CONVENTION,

AND

Democratic Meeting.

The citizens of the several Townships and Boroughs of this county, are requested to meet at their usual places of meeting, on Saturday, the 7th of August, to elect two delegates from each of said town ships and boroughs, to represent them in the County Convention, which will meet in the borough of Huntingdon, on

Wednesday, the 11th of August,

at 2 o'clock in the afternoon, to nominate a County Ticket to be supported by the opponents of the present State Administration, at the coming election.

By order of the County Committee,
THOS. FISHER, *Chairman.*
July 21, 1841.

Croakings of the Locos.

It is really laughable to hear the incessant growlings and howlings of the Loco Focos, about the proscription of their old *sap suckers*, who fairly drew their subsistence for years from the body politic.

They are not satisfied to growl a while and then quit, but they must continue their croakings about our friends pretending, before the election, that they would not play the *old* farce of *"Turn Out."*—Now this all consumately smart on their part, only the joke is,—*it is not true.* We ask our friends in this county, if we did not on every occasion, and did not all other speakers or writers you heard, tell you that the Swartwouts and Prices were robbing the country? that they were as much afraid of the *Leg*-Treasurers as the *Sub*-Treasuries, and that there must be a reform of *men*, or else we could never have a reform of *measures?* Yet these croakers howl forth "proscription, only see what this coonskin party is about, turning old officers out to put in new ones," and call on their party to see the *Federalists* proscribing for opinions sake. *Bah!* Don't think the people are fools.

Let the People Know.

Mr. *"Watchman,"* by what kind of logic do you make out your case about some of the officers of the *"Big Break"* keeping the PUBLIC money? They, if they any thing of the kind, have the money. *Ritner and his Commissioners* borrowed on their *own* credit, and David R. Porter has repeatedly vetoed the Bill to pay the money. If the money belongs to the state, or people, why don't he pay the Banks that *loaned it to the state?* Or if the Banks did not loan it to the *state*, what right have you to endeavor to make the people think the money is in any way the property of the state? Do answer us! The people will not be satisfied with you, unless you come up to the work.

Dr. Dyott, the Pardoned Perjured, Fraudalent Insolvent, has been allowed to take the benefit of the Insolvent Laws. We should like to know if that has cured the stain of an attempt to rob his creditors out of their just claims, we would recommend the same thing to another chap we know.

The *"Yeoman"* thinks the charges against Porter are no longer repeated or believed. If the Editor of that print will come into this county, he can hear the latter from some of Porter's old bosom friends; and if he will obtain a copy of the "Journal," of July 21, 1841, he will be able to ascertain whether the former is true or not.

Canal Commissioners' Bill.

Porter vetoed one Bill passed last winter, to choose Canal Commissioners, and in that veto signified his willingness to sign a bill giving the election immediately to the people. Another bill of that kind was passed, and was given to him to sign. He has put that in his pocket, and the citizens of the State must forget their desire to have all such power in the hands of the people.

Examine

The article of Geo. Taylor Esqr. It is deserving of particular examination. We give place to it in order that Mr. Taylor can have some chance through which to make public a defence. Having failed in getting it published in two papers which had made the attack, in this, county "common justice" seemed to say, that we should not exclude him from our columns, and we have also, given this week that portion of the central committees address, that assails Mr. Taylor. Our neighbors of the "Standard" & "Watchman" have tacitly admitted that they feared to send this article among their subscribers, by refusing it admission in their columns. No one can say that we were either afraid or ashamed to let our readers see both sides. We therefore commence with the extract aluded to

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(From The Porter Address.)

CASE OF WM. A. SMITH.

The next case to which we call your attention, fellow citizens, is of a peculiar character. When we have briefly narrated the circumstances which induced the Governor to withhold his signature, we believe you will agree with us that **a more flagitious attempt never was made, by *exparte* legislation, to divest a citizen of his rights and plunder him of his property.**

The bill vetoed by the Governor bore the plausible title of "An Act for enabling religious societies within this Commonwealth to purchase and hold lands for burying grounds and churches, *and for other purposes.*" To that part of the act relating to religious societies, the Governor had not the slightest objection, and made none. The *"for other purposes,"* however, was a section which, when reported to the House of Representatives by the Chairman of the Committee of Estates and Escheats bore the title of "An Act to quiet the title to certain lands granted for the use of Wm. R. Smith as tailmail-general." It was offered and carried as an amendment to the act first recited, and the federalists, with their usual regard for candor, in consequence of the title, have attempted to make you believe, fellow-citizens, that the Governor vetoed a bill having relation, exclusively, to *"religious societies."* Such is not the fact. In his veto the Governor states that after the bill had been in his possession he received a letter from Wm. A. Smith, Esq. of Cambria county, remonstrating against the 18th section of the proposed bill becoming a law, the section that was embraced in the words, *"and for other purposes"*—and he then proceeds to assign his reasons for returning it to the Senate in which it originated, without his signature. It seems that William Smith, D. D. conveyed to trustees certain lands in trust for his grandson Wm. A. Smith, and the eldest male heir of this body lawfully begotten. William R. Smith and his wife afterwards executed a deed to Thomas Montgomery, with the intent of barring the estate tail, or in other words to deprive William A. Smith, the eldest male heir of all the interest in the lands in questign, contrary to the intention of William Smith the grantor. The deed was not acknowledged, or if acknowledged no entry thereof was made, and therefore defective; and withobt any notice to William A. Smith, a law was passed confirming and making valid the deed, in like manner and with like effect, as if it had been acknowledged and an entry made on the record of the Court of Common Pleas. The remonstrant, William A. Smith, sets forth in his remonstrance to the Governor among other things, that "he being the eldest son of William R. Smith, (and of course the party most deeply interested) was opposed to the passage of the bill; and further, that up to the time of its passage, he was unaware of the existence of the deed of William Smith, conveying in trust the property in question to two trustees, or that such an instrument of writing had ever been recorded—nor was he aware of the existence of a deed from Wm R. Smith and wife to Thomas Montgomery; and further, he never received any consideration for the property thus deeded away without his knowledge or consent."

Under these circumstances the Governor returned the bill to the Senate remarking, that "as the act may dispose of the whole question of the title in regard to the lands to which it refers, it would be proper that the parties whose rights are to be affected by it should be heard. Legislation for curing alleged defects in title should be attended with great caution and upon full notice. Injustice may be done by *ex parte* enactments, and I would respectfully suggest whether in all such cases as that for which the eighteenth section proposes to provide, it would not be better to confer upon the Courts of Common Pleas of the proper county if they do not already possess it, the power to correct or amend the records of the Court, nunc protune, if they should deem it right and proper so to do, upon a full representation of all the facts, or notice to the parties interested. Thus all parties will be heard. No injustice can be done to any one. The right of those interested will be investigated and duly respected."

Now, in all candor, and in name of all that is just, we ask you fellow-citizens, who that has any pretence to honesty would object to giving all the parties concerned a hearing in Court? Is not that the proper tribunal before which to investigate the matter, where and when both parties can have an opportunity of examining and cross exmaning the witnesses? Who among you will be secure in your property, if a law of this kind can be passed at the instance of a lawyer, who happens to be a member of the Legislature, without notice and without chance to produce evidence of the validity of the title. If such conduct can be justified or tolerated for an instant, there is an end to every thing like security to **LIFE** or property. William A. Smith, who claims to be the eldest male heir of William R. Smith, resides in Cambria county. IT WAS AN EASY MATTER, IF FAIRNESS AND HONESTY WERE AT THE BOTTOM OF THE TRANSACTION to have consulted him. The presumption is, however, all was not fair, all was not honest—or he would have been notified of the intention of the party or parties to legislate him out of his rights and and plunder him of his property—the gift of his great grandfather. It was well known to all concerned in the stealthy legislation which took place, that William A. Smith resided in, and was Prothonotary of Cambria county. There is not a shadow of excuse for THE ATTEMPT MADE TO DIVEST HIM OF his property without notice; and there is not a man in this wide world, whose conceptions of honesty remain untainted by the tricks, interested men learned in the law, are feed to play off and practice in and out of the Legislature, that will condemn the Governor for voting the act we have reviewed.

H. BUEHLER, *Chairman.*
JACOB SELLER, *Secretary.*

For the Journal.'

MR. BENEDICT:—

The following article, written in the defensive, and with no political view, was addressed to the Editor of the "Watchman" and its insertion requested on the grounds herein stated; most reasonable surely, when it is further considered that *here*, if I have stated any fact untruly, evidence of the truth is at hand. He refused. It was then sent to the 'Standard,' and its publication claimed 'in common justice,' since that paper had also published the article to which this is a reply.

Messrs. 'Traugh & Boggs' returned it, with the refusal of the editor to publish, for three reasons:

'1. On account of its extreme length, occupying as it would at least *eight* columns in our paper." This, the best of the three, may not deter you:—it will not occupy much over FOUR of your columns.

'2. If we publish this lengthy statement on one side, Dr. Smith will in all probability demand to be heard on the other: a claim we could not in common justice refuse' &c. They forget that this is a *reply* to an uncandid and violent article on 'one side' which they *had* published: & that they 'could not *in common justice* refuse' its publication, themselves being the judges. But they did refuse, notwithstanding!

'3. Because unnecessarily severe and harsh language is used' &c. They seem to forget, also, that an article charging us with *'the most flagitious attempt ever made &c. to divest a citizen of his* rights *and plunder him of* his property' was not *too* unnecessarily severe and harsh' to find a place in their columns!

We are thus reduced to the necessity of suffering the misrepresentations of the 'address' to go uncorrected, or of asking a place in the 'Journal.'

G. T.

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For the "Democratic Watchman."

MR. EVERHART:

Nearly one half of the "Address to the people of Pennsylvania, No. 4," published by the chairman of the Democratic Central Committee, is devoted to the discussion of a certain act, passed by the late Legislature, and of the *veto* thereof by the governor, introduced into the address as the

"CASE OF WILLIAM A. SMITH:"

of which the writer is pleased to say, "a more flagitious attempt was never made, by *ex parte* legislation, to divest a citizen of his rights, and plunder him of his property."

The act of which he thus speaks was passed in pursuance of a petition, and upon evidence, laid before the legislature by *myself*, being interested with the heirs of John Miller, dec'd., in part of the property referred to in it. To me, and to me alone, if to any body, the above and other kindred expressions in the address, are applicable. I could let that pass—but I cannot, in justice to those for interests I feel greater solicitude than for my own, suffer the disengenuous and vituperative mis-representations contained in that paper to be published at our very door, to prejudice our rights, without confronting them with the truth. And, as you have laid before your readers, and invited their *'candid attention"* to the one, I trust you will *candidly* submit to them the other. Let the whole "case" be fairly submitted, and TRUTH, which has nothing to fear from investigation,' be assured, will triumph. If a candid community, after a full hearing, shall render verdict against us, we will cheerfully acquiesce. If, on the other hand, the cry of "stop thief," raised in the address, should fall back in emphatic echo; if the "attempt to divest a citizen of his rights, and plunder him of his property," should turn out to be nothing more than a show of attempt, on his part, to fatten on *the property of orphans* and THE DEBTS OF HIS FATHER; if it should appear that the reasons *assigned* for the veto, were NOT the reasons which *induced* the veto; and if it be made plainly manifest that we asked, and the legislature granted, nothing unusual or unreasonable, nothing unjust, *nothing*, on the contrary, *which ought not, in conscience, to have been granted,*—it should be acknowledged that the writer of the address is, in this instance, engaged in a superlatively *little* effort to make political capital, by lampooning those whose only offence, was the exercise of the right of petition to the representatives of the people. And, that such is emphatically the "case," I call facts which challenge refutation or denial,—I call *records*,—to witness.

William Smith, D. D. being seized of certain lands, in this county, on the 1st March 1803, by his deed of that date recorded in Book, L. page 45, for the consideration, as therein expressed, of his desire "of giving some testimony of his affection for, and his desire to promote in the world *William* Rudolph Smith whom he had ADOPTED* as his grand-son through his son William Moore Smith Esq at whose request he granted the estate and premises therein after described, with a view, as aforesaid, to advance his interest in life," &c., and for the nominal sum of one dollar, granted and conveyed to his brother, the Hon. Thomas Smith Esq., and B. R. Morgan, Esq., four tracts or parcels of land in the county, and near the borough of Huntingdon, viz: "No. 1," containing 16 acres—"No. 2." 15¼ acres—"No. 3," 60 acres; and "No. 4." 228 acres 76 perches: "In trust, nevertheless for the use of the said William Rudolph Smith [who was then a *minor*] and the eldest male heir of his body lawfully begotten," with other limitations in case of failure of issue on the part of Wm. R. Smith.

This conveyance, be it here observed, was made exclusively FOR THE BENEFIT OF *Wm.* R. SMITH, *before* "the eldest male heir of his body" was, in its language, 'begotten:' to "PROMOTE HIM IN THE WORLD:" "WITH A VEW TO ADVANCE HIS INTEREST IN LIFE." The consideration had reference to WM. R. SMITH, and to him alone. The limitation "to the eldest male heir" created what is termed an *'estate tail;'* which limits the inheritance to one particular heir to the exclusion of all others. And it is impossible to conceive, it may be here further observed, how "the eldest male heir" can have any stronger EQUITABLE RIGHT to land granted through affection for his father, or bought by his father's money *before* any of his children were born, than "the youngest female heir," or any other child. A system, so repugnant to natural justice, is, at best, worthy only of the 'iniquity' in which it was "shapen," and the soil in which it was nurtured.

Then, while *Wm.* R. Smith by virtue of this deed (having afterwards male issue) was *formally* tenant in tail of the premises, which were really granted FOR HIS SOLE BENEFIT, he became, about the year 1816, largely indebted to the Huntingdon Bank; and his *uncle* Richard Smith, Esqr., who was the *son* of Dr. Smith the grantor, and the *brother* of "William Moore Smith Esqr., at whose request" the grant was made, became *involved with him as his surety.* He had these lands, so far as they would go, as means of paying his debts and saving and securing his friend; granted really for *his benefit*, and in conscience his, although technically *entailed* in conformity to aristocractic custom, or merely perhaps, (as chief Justice Tilghman somewhere remarks, when pointing out the iniquity of entailments) "through family pride."

He had the undoubted right to cast off this trammel, and apply the land according to the spirit of the deed under which he held it, to *his benefit* and the benefit of his creditors; and the circumstances in which he was placed rendered such a course peculiarly proper.—*Entailments*, a device of the nobility in England to keep their lands perpetually in their families by transmitting them to a son discharged of of his father's debts, and removed beyond the reach of creditors, had, principally for that reason, become extremely odious even in England, long before the first settlement of this country; and the English courts of justice, to remedy the evil, had devised a means of destroying all such limitations of estates, thereby converting an *estate tail* into an absolute estate *in fee*, by a fictitious proceeding called *"a fine and common recovery,"* And in the earliest settlement of this country when the practice of *entailing* was first imported hither, our courts afforded and encouraged the same remedy; holding that, apart from the improper object noticed, it was contrary to the spirit and policy of our institutions, and inimical to the prosperity of the country; *"peculiarly repugnant,"* as Judge Yeates strongly expresses it, *"to our laws and manners."* The courts were seconded in their efforts to suppress the transplanting of the baneful aristocratic weed, by the legislature; which, as early as the year 1749, passed *"an act for barring estates tail;"* in the preamble to which it emphatically declared, that "the entailing of estates within this province without a provision by law for barring them, would introduce perpetuities, prevent the improvement of such estates, disable tenants in tail from making provision for the younger branches of their families, prove of general detriment to the province, and be attended with manifold inconveniences." This act to remedy these evils, "and for preventing whereof in future," set the seal of legislative approbation upon "fines and common recoveries," and *ratified and confirmed* those which had been "theretofore levied &c. within the province of Pennsylvania." And carrying out this policy,—in 1799 the legislature passed another act *"to facilitate the barring of entails"* by giving that effect to a common deed of bargain and sale, in which the tenant in tail had only to declare, without any hypocrisy about it, his *purpose* to do so;—an act which, while almost every other important law has undergone at least some alteration, still stands by the side of its venerable predecessor, unaltered, upon the statute book: —an act, one word of which no intelligent man in the commonwealth could wish it expunged, except he be some *patriot*, who, like the governo's "remonstrant," might desire to receive an estate against right, and over the shoulders of his father's debts.

In accordance with the last recited act of assembly, the act of 1797, and *for the purpose before mentioned*, Wm. R. Smith & Eliza his wife on the 4th of Jan. 1817, by their deed of that date, recorded in Book P, p. 164, for the consideration of $5000, granted and conveyed the said several parcels of land to Thomas Montgomery, Esq., in fee; *"it being,"* (as declared therein) *"the express intention of the said Wm. R. Smith and Eliza his wife by this instrument to bar and destroy any and all manner of estate tail in remainder or revision which does now or may hereafter exist, or be derived in, by, or under the said deed of Wm. Smith* D. D." The original deed, in the handwriting of William R. Smith, witnessed by Francis B. Nichols (a relation of W. R. Smith's wife) and the Hon. Charles *Huston*, is in our possession. It was acknowledged IN OPEN COURT the day it was executed, as is attested by the signature of the Judge and the certificate of the Prot'y under the seal of the court. The same lands were re-conveyed by Thos. Montgomery to Wm. R. Smith, in fee; and on the 7th of January, *three days* afterwards, A MORTGAGE upon the same lands was executed by Wm. R. Smith, to his friend and surety Rich'd. Smith, Esqr. which is also recorded in Book P. p. 168. On the 4th Nov. 1818, a *sire facias* upon this mortgage was issued out of the court of common pleas of said county, No. 70 Nov. term 1818, at the suit of the said Rich'd. Smith, Esqr. and on the same day Wm. R. Smith the defendant, *confessed judgment* therein; and by virtue of an alias writ of *Levari facias* issued on this judgment to No. 43 April term 1819, that part of the lands embraced in the above recited deeds and mortgage, consisting of lots "No. 2" and "No. 3," was sold by the sheriff 18th April 1819, to John Miller, now dec'd, for $2250; its extreme value; MORE than it was worth *then*; MORE than the value set upon it on the 20th of March last by twelve respectable men acting under "their oaths and affirmations."—The other parcels were sold on the same judgment, under precisely the same circumstances, and are now owned by Geo. Jackson, David Sturtzman, Henry Sturtzman, Henry Isenberg, John Snyder, and others.

Here is the simple, I might say the *record* history, of this matter. The law renders it legally right, and the reason of the law shows it to be morally right, for *any* tenant in tail to bar the entailment. But far different still was this case. Here *right* became *du'y*. Here the lands had been granted, as the grant itself shows, FOR THE BENEFIT of the grantor's ADOPTED grand-son, WILLIAM R. SMITH. The entailment was barred to enable HIM to pay his debts; to secure his surety Rich'd. Smith,† who was his UNCLE, the SON of Dr. Smith the grantor, and the BROTHER of "Wm. M. Smith, Esqr. at whose request" the grant (without any valuable consideration except the nominal sum of *one dollar* !) was made. The land, after the fee was vested in Wm. R. Smith, was mortgaged for that honest purpose; sold for its full value to innocent purchasers, who, when they paid their hard earned money, supposed they were investing it permanently in soil which would yield bread to their children when they should sleep the sleep of death beneath its surface. "And is there a man in this wide world," except his own son, and *his* official coadjutors, who will not say that the conduct of Wm. R. Smith, while it was lawful, would also stand the test of the strictest justice, the most scrupulous morality? Is there any honest man who will not say so? But, above all, is there to be found another man on the face of the earth, embued with a moral sense, who must not accord to the children of those innocent purchasers a title as inviolably sacred as justice itself?

After the lapse of nearly a quarter of a century, however, the children of one of the purchasers accidentally discovered that the Prot'y. had omitted to make THE ENTRY on the docket, which seems to be required by the act of 1797; although he and the Judge both certify to the acknowledgement in open court; and although the requirements of the act were substatially, nay, in every thing else, strictly and fully complied with. To relieve their title to this little farm even from suspicion, as they might soon desire to expose it to sale, and as it was *uncertain* whether the court might, at a period so distant, feel authorized to direct the entry still to be made, petitioned the Legislature, stating accurately *all* the facts, and praying for the enactment of a law, "authorising the court of common Pleas of Huntingdon county on the truth of the facts stated being made appear to the said court, on motion to direct the entry as required by the said act to be made on the records of the said court, and declaring such entry to be as effectual as if it had been made when said deed was acknowledged." They did so, with as pure confidence as they could approach a throne of grace; never thinking for a second that any man in or out of the legislature would, or possibly could, raise the slightest objection to the granting of their prayer; much less that his excellency might feel it his *duty* to interpose his veto between orphans and justice! They laid before the legislature or put in the possession of one of its members for that purpose, indisputable evidence of the truth of every thing contained in their petition, even to the minutest shade of coloring. They exhibited the deed of Dr. Smith—the original deeds from W. R. Smith and his wife to Montgomery and from Montgomery to Smith, with the Judge's signature and the Proty's certificate—the *mortgage* to Rich'd Smith, Esqr.—the record of the *sire facias* and judgment on that mortgage, and of the subsequent proceedings which terminated in the sale by the sheriff: the sheriff's deed to John Miller: and a certified extract from an inquisition taken upon his real estate in which 12 respectable men "upon their oaths and affirmations" late ly valued lots "No. 2 and No. 3" at A LESS SUM than the consideration of the sheriff's deed. They showed, in a word, and they are prepared to show any personal any moment, that their petition contained "the truth, the whole truth, and nothing but the truth." And what did they ask? ONLY,—yes, ONLY that the ERROR or OMISSION of A PUBLIC OFFICER should be corrected or supplied. They asked, and they only asked, that a *clerical* omissionshould not, in any way, prejudice their rights. They asked what no honest man in all christendom will say ought not in conscience to have been granted. They asked what no legislature ever refused to grant, or ever will.

The statute book is literally crowded with special acts of assembly, passed to afford relief where substantial justice could not be obtained through the technical forms of law, or was liable to be thwarted by errors, oversights, and informalities. I could point, amongst others, to a *score*, by which all the acts of particular Jusices of the peace, void for want of authority, including of course, the taking of *the acknowledgment of numerous deeds*, were, within stated periods, "CONFIRMED AND MADE VALID." Two or three examples of a more general character, precisely here in point, will, however, abundantly suffice. I have already referred to the act of 1749, entitled *"an act for barring estates tail,"* which, while it established *"fines and common recoveries"* as a future remedy, RATIFIED AND CONFIRMED ALL which had *"theretofore been levied or suffered within the province of Pennsylvania."* "Fines and common recoveries," although entertained by the courts, had not been recognized by our statutes; and, on account of the nicety of the proceedings, errors and informalities had occurred in carrying them through. Here, by one act, ALL, indiscriminately, were MADE VALID. Scarcely less directly in point are the statutes curing deeds defectively acknowledged by married women, who have always been regarded as "the peculiar favorites of the law." An act was passed in 1770, entitled "an act for the better CONFIRMATION of estates of persons holding or claiming under *feme coverts*, and for establishing a mode by which husband and wife may hereafter convey their estates." It recited, that it "had been the custom and usage ever since the settlement of the province, in transferring the estates of *feme coverts*, in many cases, for husband and wife to execute the deed in the presence of witnesses only," &c: that "doubts had arisen whether the said deeds were sufficiently valid in law," &c.: and that it was "BUT JUST AND REASONABLE THAT THE SAID PURCHASERS SHOULD BE QUIETED AND SECURED" &c. It then enacts that *"no such deed shall be deemed held or adjudged invalid or defective at law or avoided or prejudged"* &c. The same act then prescribed a form of acknowledgment to be followed in future. Fifty six years afterwards, it became necessary for the legislature again to interfere in favor of *bona fide* purchasers; and in the year 1826, "a supplement to the act entitled 'an act for the confirmation of estates" &c., was passed, which recited: "whereas by an act of assembly to which this is a supplement, it is enacted that the estates of *feme coverts* may be transferred by deed executed by husband and wife, and by them acknowledged before certain officers: And whereas under this act estates of great valued have been bona fide sold by husband and wife for a legal and sufficient consideration and the deeds therefor have been acknowledged before the proper officer; but in many cases the mode of making the acknowledgment hath been imperfectly set forth in the certificate. And it hath been held by the supreme court that deeds transferring the rights and interests of *feme coverts* are invalid and void, unless certain requisites of the acknowledgment of such deeds, provided by the said act, shall appear on the face of the certificate to have been pursued; AND IN ALL SUCH CASES IT IS BUT JUST AND REASONABLE THAT PERSONS WHO HOLD SUCH ESTATES SHOULD NOT, IN ANY CASE, BE DISTURBED, IN THE ENJOYMENT OF THEM, THUS EQUITABLY ACQUIRED, NOR DIVESTED *thereof* UNDER ANY PRETENCE WHATSOEVER." The act then, "for the purpose of carrying into effect the real intent of the parties, and of *quieting and securing* the estates so transferred," enacts that "NO *grant, bargain, sale*, &c. shall be held or adjudged invalid or defective, or insufficient in law, or avoided or prejudiced BY REASON OF ANY INFORMALITY OR OMISSION in setting forth the particulars of the acknowledgment &c. And another supplement, in the very words of the act of 1836, was passed in 1840, (P. laws p. 361) and approved by governor Porter. By these acts hundreds, at least, of defectively acknowledged deeds were made valid, and the persons who hold under them quieted and secured in their titles; "a *very large number*," we are told, about which "doubts existed," before 1770; and not a less number perhaps, within the fifty-six years which followed, which the law, as settled by the supreme court, condemned as "invalid and void;" independent of those made valid by the supplement of 1840. Speaking of the act of 1826 al ne, Judge Duncan, in an opinion of the supreme court delivered by him the year after its passage, rejoices

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* Why this word was used, need not here be told.

† Whose wife an excellent old lady is now poor, in her old age, and in her widowhood, from the same *suretyship*. If *the* family have any conceivable right to this land after receiving its full value once, *she* (but she would scorn it!) might claim with infinitely more show of justice, than *the* great-grand-son by ADOPTION!