

29FED.CAS.—6

Case No. 17,101.

WALLACE v. LAWRENCE.

[1 Wash. C. C. 503.]¹

Circuit Court, D. Pennsylvania.

Oct. Term, 1806.

SHERIFF'S DEED—RECORDING—EJECTMENT.

The title under a sheriff's deed, although the deed was not recorded until after ejectment brought, is good; because, although such deeds do not convey a title until recorded, yet the title relates back to the time when the deed was made.

[Cited in *Farlin v. Sook*, 30 Kan. 403, 1 Pac. 124.]

The lessor of the plaintiff claimed under a deed from the sheriff, who sold the land in question to him, as the highest bidder, under a *levari facias*. The deed was executed before the ejectment was brought, but was recorded some time after.

Mr. Lewis, for defendant, stated, that these deeds were not considered as conveying a title, till they are recorded.

Mr. Binney, for plaintiff.

BY THE COURT. If this doctrine be as stated, still the title is good, by relation to the time when the deed was made.

Verdict for plaintiff.

¹ [Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]