

ACKNOWLEDGMENT OF DEEDS OR OTHER INSTRUMENTS BY MARRIED WOMEN

Act 62 of 1877

AN ACT relative to the acknowledgment of deeds and other instruments affecting real property by married women.

History: 1877, Act 62, Imd. Eff. Apr. 20, 1877.

The People of the State of Michigan enact:

565.281 Acknowledgment by married woman.

Sec. 1. That hereafter the acknowledgment of any married woman to a deed of conveyance or other instrument affecting real property, may be taken in the same manner as if she were sole.

History: 1877, Act 62, Imd. Eff. Apr. 20, 1877;—How. 5662;—CL 1897, 8966;—CL 1915, 11698;—CL 1929, 13337;—CL 1948, 565.281.

Former law: See section 2 of Act 104 of 1875. The act of Aug. 29, 1805, provided that “when husband and wife have sealed and delivered a writing, if the wife appear before such court” (which it would seem must be a court of record), “judge, justice, or notary public, and being examined privily and apart from her husband, shall declare that she did freely and willingly seal and deliver the said writing, to be then shown and explained to her, and wishes not to retract it, and consenteth that it may be recorded, a certificate of such privy examination being returned and recorded with the writing; and the writing being acknowledged also by the husband, or proved by witnesses to be his act, in such case the said writing shall not only be sufficient to convey or release any right of dower thereby intended to be released or conveyed, but be as effectual for every other purpose as if she were an unmarried woman.” Woodward Code, p. 53: Cass Code, page 45; Terr. Laws, vol. 1, p. 39. If the grantor did not reside in Michigan, no different acknowledgment seemed to be required of the married woman than of any other person; but the deed, executed as before stated in the case of non-residents, together with any relinquishment of dower, was to “be effectual.” The act of May 27, 1820, provided that no estate of a feme covert residing in this territory should pass by her deed without a previous acknowledgment made “on a private examination apart from her husband, that she executed such deed freely, without any fear or compulsion of her husband;” but where any feme covert not residing in the territory should join with her husband in any deed or conveyance of, or relating to any lands or real estate within the territory, it might be executed and acknowledged in all respects as if she were sole, and she should thereby be barred of all claim of dower, and all other right and title therein as if she were sole. Code of 1820, p. 159; Terr. Laws, vol. 1, p. 518. This provision was re-enacted in 1827, and continued in force until and including August 31, 1838, when it was repealed by the Revised Statutes of that year. See revision of 1827, p. 259; and 1833, p. 280; Terr. Laws, vol. 2, p. 362. The Revised Statutes of 1838 required the acknowledgment of the wife to be taken separately and apart from her husband, and that she should acknowledge that she executed the deed without any fear or compulsion of her husband, p. 258, Sec. 11. And to bar her dower she must in the deed release her claim thereto, p. 263, Sec. 7. Sec. 4 of Act 108, 1840, p. 167, provided that the right of dower which a married woman might have in the state should not be passed or conveyed except by deed executed by her, to be acknowledged by her on a private examination, separate and apart from her husband, that she had executed the deed without fear or compulsion from any one. This provision, it will be seen, relates only to the release of dower. It was in force until Mar. 1, 1847, when the Revised Statutes of 1846 took effect.

565.282 Validation of acknowledgments.

Sec. 2. Any acknowledgment of any married woman to a deed of conveyance or other instrument affecting real property taken since the fourth day of August, A.D. 1875, in the same manner as if such married woman had been sole, is hereby declared valid and effectual for all intents and purposes, and shall be so held in all courts and places.

History: 1877, Act 62, Imd. Eff. Apr. 20, 1877;—How. 5662a;—CL 1897, 8967;—CL 1915, 11699;—CL 1929, 13338;—CL 1948, 565.282.