

Revised Statutes of 1846 (EXCERPT)
CHAPTER 65. OF ALIENATION BY DEED, AND THE PROOF AND RECORDING OF
CONVEYANCES, AND THE CANCELING OF MORTGAGES.

565.10 Execution of deed in another state; seal of officer, certificate; record of prior deeds as evidence.

Sec. 10. In the cases provided for in the last preceding section unless the acknowledgment be taken before a commissioner appointed by the governor of this state for that purpose the officer taking such acknowledgment shall attach thereto the seal of his office, and if such acknowledgment be taken before a justice of the peace or other officer having no seal of office, such deed or other conveyance or instrument shall have attached thereto a certificate of the clerk or other proper certifying officer of a court of record of the county or district, or of the secretary of the state or territory within which such acknowledgment was taken under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment was, at the date thereof, such officer as he is therein represented to be, and that he believes the signature of such person to such certificate of acknowledgment to be genuine, and that the deed is executed and acknowledged according to the laws of such state, territory or district. Whenever any deed or other instrument affecting the title to land, executed, acknowledged and authenticated in accordance with this section and the last preceding section, has been heretofore recorded in the proper county, such record, or a certified transcript thereof shall be prima facie evidence of the due execution of such instrument to the same extent as if it had been authenticated as required by the statute in force at the time such instrument was recorded.

History: R.S. 1846, Ch. 65;—CL 1857, 2729;—CL 1871, 4212;—Am. 1875, Act 215, Eff. Aug. 3, 1875;—How. 5660;—Am. 1891, Act 112, Eff. Oct. 2, 1891;—Am. 1893, Act 137, Eff. Aug. 28, 1893;—CL 1897, 8964;—CL 1915, 11696;—CL 1929, 13286;—CL 1948, 565.10.

Former law: The earlier acts did not require any clerk's certificate. Such certificate first became necessary May 20, 1839. Amendatory Act 115 of 1839, Sec. 34, p. 219, to R.S. 1838, which took effect 30 days thereafter, provided that "no register of deeds shall record any deed executed out of this state, unless there shall be attached thereto the official certificate of the proper certifying officer, showing that the officer taking the acknowledgment of such deed is such officer as by his certificate of acknowledgment he purports to be, duly commissioned and qualified." Act 108 of 1840, p. 166, which took effect Apr. 1, 1840, required that when the deed was executed in any other state or territory it should have attached thereto a certificate of the proper county clerk, under the seal of his office, that such deed was executed according to the laws of such state or territory. Act 5 of 1843, p. 6, effective Feb. 15, 1843, required that when the deed was executed in any other state or territory it should have attached thereto a certificate of the clerk or proper certifying officer of any court of record in such state or territory, under the seal of his office, that such deed was executed and acknowledged according to the laws of such state or territory. This provision continued in force until R.S. 1846.