

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

**565.23 Certificate of acknowledgment or proof of execution; effect on right to have deed recorded.**

Sec. 23. A certificate of the acknowledgment of any deed, or of the proof of the execution thereof before a court of record, signed by the clerk of such court before whom the same was taken, as provided in this chapter, and, in the cases where the same is necessary, the certificate required by section 11 of this chapter shall entitle the deed with the certificate or certificates to be recorded in the office of the register of deeds of the county where the lands lie.

**History:** R.S. 1846, Ch. 65;—CL 1857, 2742;—CL 1871, 4225;—How. 5673;—CL 1897, 8978;—CL 1915, 11710;—CL 1929, 13298;—CL 1948, 565.23;—Am. 1991, Act 149, Imd. Eff. Nov. 25, 1991.

**Former law:** From 1805 to 1815, deeds might be recorded in the office of any clerk of a court. Woodward Code, p. 52, sec. 87; Act of Aug. 29, 1805, Terr. Laws, vol. 1, p. 38; Act of Jan. 19, 1811, Terr. Laws, vol. 1, p. 162. The act of Nov. 4, 1815 required them to be recorded in the office of the register of probate of the district in which the lands were situate. Cass Code, p. 80; Terr. Laws, vol. 1, p. 176. See also Act of July 27, 1818, Terr. Laws, vol. 2, p. 140. By the act of Mar. 27, 1820 deeds were to be recorded in the office of the register of probate for the county, or register of the city, in which the lands were situate. Code of 1820, p. 157; Terr. Laws, vol. 1, p. 517. And see the Act of 1827, Rev. Laws of 1827, p. 258; Rev. Laws of 1833, p. 279; Terr. Laws, vol. 2, p. 261. See *Starkweather v. Martin*, 28 Mich. 477. The office of register of probate was abolished by the act of Jan. 29, 1835, and deeds, except of lands in Detroit, were required to be recorded in the office of the register of deeds elected for each county. Laws of 1835, p. 79; Terr. Laws, vol. 3, p. 1360. See also R.S. 1838, p. 260, Sec. 20; Amendatory Act 115 of 1839, Sec. 19, p. 219, to R.S. 1838; Act 108 of 1840, p. 167. As to recording in Detroit, see Act of July 28, 1818. Terr. Laws, vol. 2, p. 141; Act of Mar. 27, 1820; Terr. Laws, vol. 1, p. 518; Act of Apr. 12, 1827; Terr. Laws, vol. 2, p. 362; Rev. Laws of 1827, p. 259, of 1833, p. 280; Act of July 14, 1830, Rev. Laws of 1833, p. 282. See Laws of 1834, p. 38. The office of city register of Detroit was abolished by Act 115 of 1837, p. 268 and his duties conferred upon the register of deeds for the county of Wayne. Act 116 of 1837, p. 268. See Act 47 of 1844, p. 60, as amended by Act 108 of 1846, p. 156; Act 228 of 1850, p. 232.