

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

565.39 Device used as seal; effect; application to official seals.

Sec. 39. A scroll or device used as a seal upon any deed of conveyance or other instrument whatever, whether intended to be recorded or not, shall have the same force and effect as a seal attached thereto, or impressed thereon, but this section shall not be construed to apply to such official seals as are or may be provided for by law.

History: R.S. 1846, Ch. 65;—CL 1857, 2758;—CL 1871, 4241;—How. 5699;—CL 1897, 9005;—CL 1915, 11740;—CL 1929, 13313;—CL 1948, 565.39.

Former law: Act of Oct. 23, 1822, Terr. Laws, vol. 1, p. 272, contains similar provisions. The act of June 10, 1828, provided that “any instrument to which the person making the same shall affix any device by way of seal, shall be adjudged and held to be of the same force and obligations as if it were actually sealed.” And that “all instruments executed since the thirty-first day of December, 1827, to which the person or persons executing the same may have affixed any device by way of seal, shall be adjudged and held of the same force and obligation as if the same were actually sealed.” Laws of 1828, p. 29; Revision of 1833, p. 516; Terr. Laws, vol. 2, p. 667; *Starkweather v. Martin*, 28 Mich. 479. A similar provision has been in force ever since. R.S. 1838, p. 438, 439; Sec. 8, Act 108 of 1840. Until the R.S. of 1846 (p. 487, Sec. 49), there was no statutory provision dispensing with the necessity of a seal, or a substitute therefor, to a conveyance of lands.