

SEC. 2. *And be it further enacted*, That patents issued according to this act shall vest in the patentee title to the land described in such patent, in fee simple, subject to any valid lien or incumbrance thereon created by said patentee or those under whom he claims.

Patents to vest the fee subject to valid liens.

SEC. 3. *And be it further enacted*, That the lots of land in said town of Stockbridge belonging to the United States, not hereinbefore directed to be patented, shall be attached to and form a part of the Menasha land district, and if, in the opinion of the commissioner of the general land-office, it shall be for the public interest, the same may be sold at the minimum price of three dollars per acre for lots fronting on Lake Winnebago, five dollars per acre for the two tiers of lots fronting on the military road, one tier of lots on each side thereof, and two dollars and fifty cents per acre for the residue of said land to actual settlers thereon possessing the qualifications requisite to acquire preëmption rights, who shall prove to the satisfaction of the register of the land-office at Menasha, Wisconsin, that he or she has made improvements to the value of not less than fifty dollars, and is actually residing upon the land; the time of paying the purchase price may be extended for a period not exceeding one year from the passage of this act: *Provided*, That no such actual settler shall be permitted to preëmpt more than two contiguous lots on which he or she has made improvements of the value of not less than one hundred dollars. The lands not sold within one year as hereinbefore provided, shall be brought into market and sold at not less than the minimum prices fixed by this act.

Lands in Stockbridge not patented to form part of the Menasha land district.

May be sold.

Time of payment extended to certain purchasers.

Not more than two contiguous lots can be pre-empted.

Lands when to be brought into market.

APPROVED, March 3, 1865.

CHAP. CX. — *An Act to quiet Titles in Favor of Parties in actual Possession of Lands situated in the District of Columbia.* March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all deeds heretofore recorded in the land records of the District of Columbia, which have been executed and acknowledged by femmes covert (their husbands having signed and sealed the same) for conveying any real estate, or interest therein, situated in said district; and all acknowledgements of deeds heretofore recorded, as aforesaid, which have been made by femmes covert (whether they have executed the deed or not) for the purpose of releasing their claims to dower in the lands described therein, situated as aforesaid, in which acknowledgements the form prescribed by law has not been followed; and all deeds heretofore recorded, as aforesaid, which have been executed and acknowledged by an attorney-in-fact, duly appointed for conveying real estate situated in said district; and all deeds heretofore recorded, as aforesaid, executed and acknowledged, or only acknowledged by such attorney-in-fact, for conveying real estate situated in said district, as to which the acknowledgement was made before officers different from those before whom proof of the power of attorney was made, and as to which the power of attorney was proved before only one justice of the peace; and all deeds heretofore executed and recorded as aforesaid for the purpose of conveying land situated in said district, acknowledged out of the District of Columbia, before a judge of a United States court, or before two aldermen of a city, or the chief magistrate of a city, or before a notary public; and all deeds heretofore executed and recorded as aforesaid for the purpose of conveying land situated in said district, acknowledged by an attorney-in-fact, duly appointed, or by an officer of a corporation, duly authorized, who has acknowledged the same to be his act and deed, instead of the act and deed of the grantor or of the corporation; and all deeds heretofore executed and recorded as aforesaid for the purpose of conveying land situated in said district to which there is not annexed a legal certificate as to the official character of the officer or officers taking the acknowledgment, shall be, and the same are hereby, declared to be of

Quieting of land-titles in the District of Columbia.

Defective acknowledgments cured.

Defective acknowledgments of deeds in the District of Columbia cured.

the same effect and validity to pass the fee simple or other estate intended to be conveyed, and bar dower in the real estate therein mentioned in favor of parties in actual possession, claiming under and through such deeds, as if such deeds had been by such femmes covert executed and acknowledged, or acknowledged in case of a dower right, in the form heretofore prescribed by law; as if such deeds had been executed and acknowledged by the grantor in the deed; as if such power of attorney had been proved before the officer or officers taking the acknowledgment; as if such power of attorney had been proved before two justices of the peace; as if such acknowledgment had been made before any judge of a state court, or before two justices of the peace; as if such attorneys-in-fact or officer of a corporation had acknowledged the deed to be the deed of the grantor or of the corporation; as if such deeds had thereto annexed a certificate, in legal form, that the officer or officers taking the acknowledgment were really what they purport to be: *Provided*, That the certificate of acknowledgement by a femme covert shall show that the acknowledgement was made "apart" or "privily" from her husband, or use some other term importing that her acknowledgment was made out of his presence, and also that she acknowledged or declared that she willingly executed or that she willingly acknowledged the deed, or that the same was her voluntary act, or to that effect: *And provided, also*, That when the power of attorney shall have [been] executed by a femme covert the same shall be effectual and sufficient if there shall have been such an acknowledgement of the same as would be sufficient, under the provisions of this act, to pass her estate and interest therein were she a party executing the deed of conveyance, the record and copy thereof of any deed recorded as aforesaid to be evidence thereof, in the same manner and to have the same effect as if such deed had been originally executed, acknowledged, and recorded according to law.

Proviso.

Proviso.

Exceptions in favor of parties beyond the district abrogated.

Proviso.

SEC. 2. *And be it further enacted*, That all exceptions in favor of parties beyond the District of Columbia, which may by existing laws be replied or relied on in any action or proceeding brought in said district, are hereby repealed and abrogated: *Provided*, That this section shall not affect the right of parties in actions now pending, and such as may be brought within three years from the passage of this act.

Construction of certain acts of congress concerning the acknowledgment, &c., of deeds in the District of Columbia.

1832, ch. 112.
Vol. iv. p. 520.
1838, ch. 57.
Vol. v. p. 226.

SEC. 3. *And be it further enacted*, That the acts of congress approved May thirty-first, eighteen hundred and thirty-two, and April twenty, eighteen hundred and thirty-eight, in reference to the acknowledgement and recording of deeds of land situated in said district, shall be taken and construed as cumulative with the acts of Maryland on the same subject in force in said district at the passage thereof, and that an acknowledgement made and certified in compliance with any one of said acts, and before any officers authorized by either of said acts to take an acknowledgement, (whether in or out of the District of Columbia,) shall be good and effectual; and if it shall appear that the grantor "acknowledged said deed," it shall have the same effect as if he or she acknowledged the deed to be his or her act and deed. And any acknowledgement made by a femme covert under either of said acts of congress (which shall be sufficient under the provisions of this act) of any deed executed by her husband, and heretofore recorded in the District of Columbia, shall be good and effectual to bar all claim on her part to dower in the lands described therein, situated in said district, although she shall not have executed the same.

What acknowledgment of married woman sufficient to bar dower.

APPROVED, March 3, 1865.

March 3, 1865.

CHAP. CXI. — An Act further to Provide for the Verification of Invoices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all consular officers of the