

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which may by existing laws be replied or relied on in any action or proceeding brought in said district, are hereby repealed and abrogated: *Provided*, That this section shall not affect the right of parties in actions now pending, and such as may be brought within three years from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

United States be, and they are hereby, authorized to require before certifying any invoice or invoices under the provisions of the first section of the act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March third, eighteen hundred and sixty-three, satisfactory evidence, either by the oath of the person or persons presenting such invoices or otherwise, that such invoices are correct and true: *Provided*, That in the exercise of the discretion hereby given, the said consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State.

Consular officers before certifying invoices, may require satisfactory proof of their correctness.

1863, ch. 76.
Vol. xii. p. 737.

APPROVED, March 3, 1865.

CHAP. CXII. — *An Act amendatory of "An Act to amend an Act entitled 'An Act to promote the Progress of the useful Arts,' approved March three, eighteen hundred and sixty-three."*

March 3, 1865.
1863, ch. 102.
Vol. xii. p. 796.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person having an interest in an invention, whether as inventor or assignee, for which a patent was ordered to issue upon the payment of the final fee, as provided in section three of an act approved March three, eighteen hundred and sixty-three, but who has failed to make payment of the final fee as provided in said act, shall have the right to make an application for a patent for his invention the same as in the case of an original application, provided such application be made within two years after the date of the allowance of the original application: *Provided*, That nothing herein shall be so construed as to hold responsible in damages any persons who have manufactured or used any article or thing for which a patent aforesaid was ordered to issue. This act shall apply to all cases now in the patent-office, and also to such as shall hereafter be filed. And all acts or parts of acts inconsistent with this act are hereby repealed.

Inventors, &c., who failed to pay the final fee, may apply for patents within two years, &c.

Persons who have used, &c., the article not liable in damages. Act to apply to what cases.

APPROVED, March 3, 1865.

CHAP. CXIII. — *An Act to amend the third Section of an Act entitled "An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending the thirtieth day of June, eighteen hundred and sixty-five, and for other Purposes," so far as the same relates to Witnesses in the Courts of the United States.*

March 3, 1865.
1864, ch. 210. § 3.
Ante, p. 351.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of an act entitled "An act making appropriations for sundry civil expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty-five, and for other purposes," be, and the same hereby is, amended by adding thereto the following proviso: *Provided, further*, That in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transaction with, or statement by the testator, intestate, or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court.

In actions by or against executors, &c., neither party shall testify unless, &c.

APPROVED, March 3, 1865.

CHAP. CXIV. — *An Act in Relation to the Naval Observatory.*

March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the first section of the act of third of August, one thousand eight hundred and forty-eight, entitled "An act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and forty-nine," as requires that the superintendent of the naval observatory at Washington city shall be a captain, commander, or lieutenant in the navy,

Law requiring the superintendent of the naval observatory to be a captain, &c., repealed.
1848, ch. 121.
Vol. ix. p. 266.