

CHAP. 52. are entertained whether they are effectual to convey the property therein contained, because the precise form of acknowledgment had not been pursued: And whereas doubts are also entertained whether deeds acknowledged under a power of attorney, in the name of the attorney, and not in the name of the principal, are valid: And whereas doubts are also entertained whether deeds acknowledged before two justices of the peace, who were not justices of the county court, are valid: And whereas also deeds of bargain and sale have been executed, without having been indented, under which deeds property has long been peaceably held; and if such deeds are adjudged to be void, bona fide purchasers will be greatly injured, and creditors deprived of the funds on which the credit was given, it having been obviously the meaning and intention of the parties to such deeds, that the property should be conveyed as expressed therein, and sound policy and justice dictate that all such defective deeds should be aided by law; therefore,

Certain deeds,  
heretofore made,  
to have effect.

§. BE IT ENACTED, by the General Assembly of Maryland, That all deeds heretofore made for conveying or passing any estate of inheritance or freehold, or declaring or limiting any use or uses, trust or trusts, or for conveying any estates for above seven years, and all acknowledgments of a release or relinquishment of a right of dower in lands, tenements or hereditaments, which have been acknowledged by *femes covert*, in which acknowledgments the precise form prescribed by law has not been observed, and all deeds for conveying any estate as aforesaid, heretofore made and acknowledged in virtue of a power of attorney, in which the acknowledgment is made by the attorney, in his own name, and not in the name of his principal, and all deeds for conveying any estate as aforesaid; heretofore made and acknowledged before two justices of the peace of any county in this state in which the acknowledgment is made (a), and all deeds of bargain and sale for conveying any estate as aforesaid, heretofore made and not indented, shall be, and the same are hereby declared to be, of the same effect and validity, to pass the property and estate limited and expressed therein, as if such deeds had been, by such *femes covert*, acknowledged in the precise form heretofore prescribed by law, as if such deeds had been acknowledged by the attorney in the name of the principal, as if such deeds had been acknowledged before any judge of the late general court, or before a judge of the county court, and as if such deeds had been duly indented; *Provided* it shall appear, by the acknowledgment of such *femes covert*, that the same was made willingly, and out of the presence and hearing of the husband; or privately and willing out of the hearing of the husband; or words to that effect (b); *And provided also*; that in every other respect the aforesaid deeds have been executed, acknowledged and recorded, agreeably to the laws heretofore made on the subject.

Provid.

(a) By Nov. 1809, ch. 164, notwithstanding a deed may have been acknowledged neither in the county where the lands lie, nor where the grantor resides, it is declared to be valid.

(b) By 1815, ch. 71, where it appears by the certificate of the person or persons lawfully authorised to take such acknowledgments, that the same were made agreeably to law, or according to the act of assembly, or words to that effect, although it does not appear that the same were made by such *femes covert*, on private examination; &c. all such deeds declared to be valid.