

CHAP. 154 **or under the seal of the court of justice, when taken before a court, or under the hand of the judge, and under the seal of the court, when taken before a judge, and which said letter of attorney, so proved, shall be deemed, adjudged and taken, as good and sufficient evidence of the execution thereof, to authorise the court, judge or justices of the peace of this state as aforesaid, to take the acknowledgment of any such deed or conveyance in virtue of such letter of attorney.**

A commission may issue for taking the acknowledgment of a deed executed by a non-resident.

**3. AND BE IT ENACTED,** That if any person or persons who may reside or be out of this state as aforesaid shall execute, or be about to execute, any deed or conveyance for conveying or declaring, or limiting any use in or for any lands, tenements or hereditaments, lying within this state, which by law is necessary to be acknowledged and recorded, instead of the same being acknowledged by letter of attorney, as herein before directed, it shall and may be lawful for the clerk of any county court, where the lands, tenements or hereditaments do lie, on application being made to him by the person or persons intended to be the grantee or grantees, bargainee or bargainees, named in the said intended deed, and upon such intended grantee or grantees, bargainee or bargainees, producing to the said clerk the assent, in writing, of the intended grantor or grantors, bargainor or bargainors, that such a commission shall issue, and naming in such written assent the persons to whom the said commission shall issue, to issue a commission to two or more persons, residents of the state or country where such bargainor, grantor, vendor or donor, may reside or be, authorising such commissioners, or any two of them, to take the acknowledgment of any such bargainor, grantor, vendor or donor, in any such deed or conveyance mentioned; and such deed or conveyance, acknowledged before such commissioners, or any two of them, and such acknowledgment, certified under their hands and seals of the said commissioners so taking the said acknowledgment, and returned with such deed or conveyance and commission aforesaid, to the court from whence the said commission shall issue, shall be recorded amongst the records of the said county, and shall be as valid and effectual in law, to all intents and purposes, as if the same had been executed and acknowledged in this state in the manner directed by law for the acknowledgment of a deed or conveyance within this state.

A non-resident *feme-covert* may acknowledge a deed before a justice, &c.

**4. AND BE IT ENACTED,** That where any lands, tenements or hereditaments, lying and being within this state, shall be conveyed, or any use declared or limited, by any deed or conveyance whatsoever, wherein any *feme-covert* shall be named as grantor, bargainor, vendor or donor, for transferring her estate of inheritance in such lands, tenements or hereditaments, as aforesaid, or declaring or limiting any use as aforesaid, or wherein such *feme-covert* may have only right or claim of dower, where any such *feme-covert* as aforesaid shall, at the time of her executing such deed or conveyance, reside or be out of this state, it shall and may be lawful for any such *feme-covert* (a) to acknowledge such deed or conveyance before commissioners as herein after directed, or before a justice of the supreme or circuit court of the United States, or before

(a) By 1816, ch. 164, the husband of a non resident *feme-covert*, may acknowledge any deed, wherein she is named as grantor, before any person or persons authorised by law to take her acknowledgment.