The transfer to be made by the draft of the Commiss'er of Pensions, &c.

Sec. 2. *And be it further enacted*, That the transfer directed by the first section of this act shall be made by the draft of the Commissioner of Pensions upon the agents for paying pensions, and in favour of the Treasurer of the United States; and that the form of said draft shall be prescribed by the Secretary of War.

Approved, April 6, 1838.

Statute II.

April 20, 1838.

Act of May 31, 1832, ch. 112.

Chap. LVII.—*An Act to amend the act for quieting possessions, enrolling conveyances, and securing the estates of purchasers, within the District of Columbia, passed the thirty-first day of May, eighteen hundred and thirty-two.*

Clerks of circuit court D. C. required to admit to record any conveyance &c. upon certificate of two justices of peace in following form.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the clerks of the circuit court of the District of Columbia, and their deputies, in their respective counties, shall be, and are hereby, authorized and required to admit to record any conveyance whereby a right, title, or interest, in real estate is conveyed, or purports to be, lying within the limits of their respective counties, upon the certificate under seal of any two justices of the peace of any State or Territory of the United States, or of the District of Columbia, annexed to such deed, and to the following effect, to wit:

Form of certificate.

———County [or Corporation, &c.] to wit:

We, A B and C D, justices of the peace in and for the county [or corporation, or parish, or district,] aforesaid, in the State [or Territory, or district,] of ——— do hereby certify that E F, a party [or E F and G H, &c. parties,] to a certain deed, bearing date on the —— day of ——— and hereto annexed, personally appeared before us in our county [or corporation, &c.] aforesaid, the said E F [or E F and G H, &c.] being personally well known to us, as [or proved by the oaths of credible witnesses before us to be] the person [or persons] who executed the said deed, and acknowledged the same to be his, [her, or their] act and deed. Given under our hands and seals, this —— day of ———

A. B. [seal.]
C. D. [seal.]

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Provided, That, when such acknowledgment shall be taken before any justices of the peace beyond the limits of the District of Columbia, there shall accompany such certificate of acknowledgment a certificate of the clerk or other public officer having official cognizance of the fact, under his official seal, that such persons were, at the date of their said certificate, in fact, justices as they purport to be.

All conveyances, &c. (except,) delivered to be recorded within six months, shall take effect from the time of acknowledgment, &c.

Sec. 2. *And be it further enacted*, That every conveyance, covenant, agreement and other deed, (except deeds of trust and mortgages,) which shall be acknowledged or proved, and certified, according to law, and delivered to the clerk of the proper court, to be recorded within six months after the sealing and delivery thereof, shall take effect and be valid as to all persons from the time of such acknowledgment or proof; but all deeds of trust and mortgages, whensoever they shall be delivered to the clerk of the proper court to be recorded, and all other conveyances, covenants, agreements, and deeds, which shall not be acknowledged, proved, or certified, and delivered to the clerk of the proper court to be recorded within six months after the sealing and delivering thereof, shall take effect and be valid, as to all subsequent purchasers for valuable consideration, without notice, and as to all creditors, from the time when such deed of trust or mortgage, or such other conveyance, covenant, agreement, or deed, shall have been so acknowledged, proved, or certified, and delivered to the clerk of the proper court to be recorded, and from that time only: *Provided, however*, That if two or more deeds containing the same property, after having been so acknow-

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ledged, or proved and certified, be delivered to the clerk to be recorded on the same day, that which shall have been first sealed and delivered shall have preference in law.

Title bonds, &c., in relation to land, may be proved, &c., in the same manner as deeds for its conveyance, &c.

Sec. 3. *And be it further enacted*, That every title-bond, or other written contract in relation to land, may be proved, acknowledged, certified, and recorded, in the same manner as deeds for the conveyance of land; and such proof or acknowledgment, and certificate, and the delivery of such bond or contract to the clerk of the proper court, to be recorded, shall be taken and held to be notice to all subsequent purchasers of the existence of such bond or contract.

If any feme covert, party to a deed relinquishing her right of dower, &c. before two justices of the peace, &c.

Sec. 4. *And be it further enacted*, That if any feme covert shall be a party executing such deed and shall only be relinquishing her right of dower in such estate or interest, or when a husband and his wife shall have sealed and delivered a writing purporting to be a conveyance of any estate or interest, and such feme covert shall appear before any two justices of the peace of any State or Territory of the United States, or of the District of Columbia, and, being by them examined privily and apart from her husband, and having the deed fully explained to her, shall acknowledge the same to be her act and deed, and shall declare that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it; and such privy examination, acknowledgment, and declaration, shall be certified by such justices under their hands and seals, by a certificate annexed to such writing, and to the following effect; that is to say:

Form of certificate.

——— county [or corporation, &c.] to wit:

We, A B and C D, justices of the peace in the county [or corporation, &c.] aforesaid, in the State [or Territory, &c.] of ———, do hereby certify that E F the wife of G H, party to a certain deed bearing date on the —— day of ——— and hereunto annexed, personally appeared before us in our county [or corporation, &c.] aforesaid, the said E F, being well known to us as [or proved by the oaths of credible witnesses before us to be] the person who executed the said deed, and being by us examined, privily and apart from her husband, and having the deed aforesaid fully explained to her, she, the said E F, acknowledged the same to be her act and deed, and declared that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it. Given under our hands and seals this —— day of ———.

A. B. [SEAL.]
C. D. [SEAL.]

When said certificate is recorded, such deed shall be as effectual in law to pass her right, &c. as if she was an unmarried woman.

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And such certificate shall be offered for record to the clerk of the circuit court of the District of Columbia, in that county in which such deed ought to be recorded. It shall be the duty of such clerk to record the same accordingly; and when the privy examination, acknowledgment, and declaration of a married woman, shall have been so taken and certified, and delivered to the clerk to be recorded pursuant to the directions of this act, such deed shall be as effectual in law to pass her right, title, and interest, as if she had been an unmarried woman: *Provided, however*, That no covenant or warranty contained in such deed hereafter executed shall in any manner operate upon any feme covert, or her heirs, further than to convey effectually from such feme covert and her heirs her right of dower or other interest in real estate which she may have at the date of such deed.

All deeds heretofore recorded, &c. to be good, &c.

Sec. 5. *And be it further enacted*, That all deeds heretofore recorded within the District of Columbia, and in the county wherein any lands, tenements and hereditaments are situated, which are conveyed in or by said deeds, on an acknowledgment before any two justices of the peace for said District, shall be good and effectual for the purpose or purposes therein mentioned, and valid as to all subsequent purchasers, and all creditors, from the passage of this act, *Provided*, said deeds

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were made in good faith, and without an interest to commit a fraud upon creditors or bona fide subsequent purchasers.

Approved, April 20, 1838.

Statute II.

April 20, 1838.

[Obsolete.]

Chap. LIX.—*An Act making an appropriation for the removal of the great raft of Red River.*

Appropriation for the removal of the Red river raft.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of seventy thousand dollars be appropriated, out of any money in the Treasury not otherwise appropriated, for the complete removal of the great raft in Red River, in the States of Louisiana and Arkansas.

Approved, April 20, 1838.

Statute II.

May 21, 1838.

Act of Oct. 12, 1837, ch. 2. Treasury notes to be issued according to the provisions of act of 12th Oct. 1837, ch. 2, in place of, &c. 1839, ch. 37.

Chap. LXXXII.—*An Act to authorize the issuing of Treasury notes to meet the current expenses of the Government.* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, with the approbation of the President of the United States, is hereby authorized to cause Treasury notes to be issued, according to the provisions of, and subject to, all the conditions, limitations and restrictions contained in an act entitled "An act to authorize the issuing of Treasury notes," approved the Twelfth day of October last, in place of such notes as have been, or may be, issued under the authority of the act aforesaid, and which have been, or may hereafter be, paid into the Treasury and cancelled.

Approved, May 21, 1838.

Statute II.

May 25, 1838.

Act of March 3, 1837, ch. 46.

Chap. LXXXIV.—*An Act making appropriations for the continuation of the Cumberland road in Ohio, Indiana, and Illinois, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby, appropriated, to be paid out of any moneys in the Treasury unappropriated, to wit:

In Ohio. For the continuation of the Cumberland road in the State of Ohio, the sum of one hundred and fifty thousand dollars.

In Indiana. For the continuation of the Cumberland road in the State of Indiana, the sum of one hundred and fifty thousand dollars, including bridges.

In Illinois. For the continuation of the Cumberland road in the State of Illinois, the sum of one hundred and fifty thousand dollars.

Bridge over Dunlap's creek. For the completion of the bridge over Dunlap's creek, on the Cumberland road, in the State of Pennsylvania, the sum of nine thousand dollars; which said appropriations are made upon the same terms, and shall be subject to all the provisions, conditions, restrictions, and limitations, touching appropriations for the Cumberland road, contained in the act entitled "An act to provide for continuing the construction, and for the repair of certain roads, and for other purposes, during the year eighteen hundred and thirty-seven," approved on the third day of March, one thousand eight hundred and thirty-seven.

Terms of the appropriation.

1837, ch. 46.

Approved, May 25, 1838.

(a) Notes of the acts which have been passed relative to the issuing of Treasury notes, vol. 2, 766.