

SEC. 433. It shall be a misdemeanor, punishable as provided in the preceding section, for any person, not a member of the police force, to falsely represent himself as being such member, with a fraudulent design.

Penalty for falsely pretending to be member of police force.

6 Aug., 1861, c. 62,

s. 21, v. 12, p. 324.

SEC. 434. Any officer who uses unnecessary and wanton severity in arresting or imprisoning any person shall be deemed guilty of assault and battery, and, upon conviction, punished therefor. [See § 103.]

Unnecessary severity punishable.

22 Feb., 1867, c. 63, s. 5, v. 14, p. 402.

SEC. 435. It shall be unlawful for any person or persons keeping an ordinary, restaurant, saloon, or other place where spirituous liquors are sold within the District, to give, sell, or dispose of any intoxicating drinks without a license, approved by the board of police, and no license shall be considered legal by any of the authorities having jurisdiction within the District, until the same has been approved by the board of police, and so certified by the secretary thereof under the office seal.

Licenses for sale of intoxicating drinks.

23 July, 1866, c. 215, s. 3, v. 14, p. 213.

SEC. 436. The ownership and use of all telegraphic apparatus, public police property, books, records, and accouterments in the possession of the police departments of the cities of Washington and Georgetown, on the sixth day of August, one thousand eight hundred and sixty-one, shall be according to the laws or ordinances of the District.

[See §§ 1181-1183.]

Certain telegraphic apparatus and police property.

6 Aug., 1861, c. 62, s. 17, v. 12, p. 324.

Police code.

16 July, 1862, c. 181, s. 11, v. 12, p. 581.

SEC. 437. The board of police is authorized, from time to time, without expense to the United States, to cause to be collected into compact form all the laws and ordinances in force in the District having relation and applicable to police and health, and to publish the same in a form easily accessible to all members of the community as the police code of the District.

SEC. 438. The police code, prepared in accordance with the preceding section, and such rules as the board of police may from time to time adopt for the purpose of enforcing and carrying out the provisions thereof, shall constitute the law of the District upon the matters therein contained.

Its authority.

Ibid., pp. 581, 582.

CHAPTER FOURTEEN.

CONVEYANCE OF REAL ESTATE.

- Sec.
- 439. Method of description.
 - 440. Deeds to be recorded.
 - 441. Before whom may be acknowledged.
 - 442. Certificate of acknowledgment.
 - 443. To official character of person taking acknowledgment.
 - 444. Acknowledgments in a foreign country.
 - 445. Official character of foreign officer.
 - 446. When deeds take effect.
 - 447. When deeds of trust take effect.
 - 448. Preferences in record.
 - 449. Title bond or contract.
 - 450. When a married woman is party to a deed.
 - 451. Certificate.
 - 452. Effect of deed.

- Sec.
- 453. Certain conveyances for religious purposes not void for want of trustees.
 - 454. Appointment of trustees.
 - 455. Who may sue and be sued.
 - 456. Limitations to use of land.
 - 457. Gifts and devises.
 - 458. Certain deeds not to be invalid.
 - 459. Defective acknowledgments cured.
 - 460. Privy acknowledgments.
 - 461. What sufficient to bar dower.
 - 462. When power of attorney sufficient.
 - 463. Record and copy of deed.
 - 464. Construction of certain acts.
 - 465. What sufficient to express acknowledgment.
 - 466. Certain exceptions abrogated.

SEC. 439. The legislative assembly has power to prescribe and regulate the manner in which description shall be made of all real estate sold or transferred in the District. [See § 476.]

Method of description.

17 May, 1848, c. 42, s. 8, v. 9, p. 228.

Spratt, 1 Pet., 343.

Deeds to be recorded.

31 May, 1832, c. 112, s. 3, v. 4, p. 520.

SEC. 440. The recorder of deeds shall admit to record any deed for the conveyance of real estate or interest therein within the District, or declaring or limiting any use or trust of any such real estate, which is

21 Feb., 1871, c. 62, v. 16, p. 419. Spratt vs.

14 Feb., 1863, c. 34, s. 1, v. 12, p. 651. executed, acknowledged, and certified according to the provisions of this chapter. [See § 467.]

ACKNOWLEDGMENT OF DEEDS.

Before whom deeds may be acknowledged.

31 May, 1832, c. 112, s. 1, v. 4, p. 520.
16 Sept., 1850, c. 52, v. 9, p. 458.
29 July, 1854, c. 153, s. 1, v. 10, p. 315.
8 April, 1864, c. 51, s. 5, v. 13, p. 44.
25 Mar., 1870, c. 31, v. 16, pp. 77, 78.

Edmondson vs. Lovell, 1 Cranch, C. C., 103.

Certificate of acknowledgment.

31 May, 1832, c. 112, s. 1, v. 4, p. 521.
20 April, 1838, c. 57, s. 1, v. 5, p. 226.

To official character of person taking acknowledgment.

Ibid.

Acknowledgments in a foreign country.

31 May, 1832, c. 112, s. 1, v. 4, p. 521.

Official character of foreign officer.

Ibid.

When deeds (except, &c.) take effect.

20 April, 1833, c. 57, s. 2, v. 5, p. 226.

When deeds of trust, &c., take effect.

Ibid.

SEC. 441. Acknowledgments of deeds may be made before any of the following-named officers of the State, district, county, or Territory within the United States, in which the person making the deed may be, namely;

First. Before any judge of a court of record and of law.

Second. Before any chancellor of a State.

Third. Before any judge of the supreme, circuit, district, or territorial courts of the United States.

Fourth. Before any justice of the peace.

Fifth. Before any notary public.

Sixth. Before any commissioner of the circuit court of the district, appointed for that purpose. [See R. S. U. S., § 1778.]

SEC. 442. The officer taking an acknowledgment shall annex to the deed a certificate under his hand and seal to the following effect:

— County, [or city, &c.,] to wit:

I, A B, a justice of the peace, [or other prescribed officer, giving his title,] in and for the county, [or city, or parish, or district,] aforesaid, in the State [or Territory, or district, of [—], do hereby certify that C D, a party [or C D and E F, &c., parties] to a certain deed, bearing date on the — day of —, and hereto annexed, personally appeared before me in the county [or city, &c.] aforesaid, the said C D, [or C D and E F, &c.,] being personally well known to me, as [or proved by the oaths of credible witnesses before me 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 my hand and seal this — day of —.

A. B. [SEAL.]

SEC. 443. When acknowledgments are made beyond the limits of the District within the United States, the certificate of the same shall be accompanied by a certificate of the register, clerk, or other public officer having cognizance of the fact, under his official seal, that, at the date of the acknowledgment, the officer taking the same was, in fact, the officer he purported to be.

SEC. 444. Deeds made in a foreign country may be executed and acknowledged before any judge or chancellor of any court, master, or master extraordinary in chancery, or notary public, or before any secretary of legation or consular officer of the United States. [See R. S. U. S., § 1750.]

18 Aug., 1856, c. 127, s. 24, v. 11, p. 61.

SEC. 445. When acknowledgments are made before an officer in a foreign country other than a secretary of legation or consular officer of the United States, the official character of the person taking the acknowledgment shall be certified in the manner prescribed in section four hundred and forty-two.

SEC. 446. All deeds, except deeds of trust and mortgages, which are acknowledged or proved, and certified, according to law, and delivered to the recorder of deeds for record 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.

SEC. 447. All deeds of trust and mortgages, whenever delivered to the recorder of deeds for record, and all other conveyances, covenants, agreements, and deeds, which shall not be acknowledged, proved, or certified, and delivered to the recorder for record within six months after the sealing and delivery 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 other conveyance, covenant, agreement, or deed, shall have been so acknowl-

edged, proved, or certified, and delivered to the recorder for record, and from that time only.

SEC. 448. If two or more deeds containing the same property, after having been acknowledged, or proved and certified, be delivered to the recorder for record on the same day, that which shall have been first sealed and delivered shall have preference in law.

Preferences in record.

20 April, 1838, c. 57, s. 2, v. 5, pp. 226, 227.

SEC. 449. Any 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 recorder of deeds for record, shall be taken and held to be notice to all subsequent purchasers of the existence of such bond or contract.

Title-bonds or contract.

Ibid., s. 3, p. 227.

SEC. 450. When any married woman shall be a party executing a deed for the conveyance of real estate or interest therein, and shall only be relinquishing her right of dower, or when she shall be a party with her husband to any deed, it shall be the duty of the officer authorized to take acknowledgments, before whom she may appear, to examine her privily and apart from her husband, and to explain to her the deed fully.

When a married woman is party to a deed.

31 May, 1832, c. 112, s. 2, v. 4, p. 521.
20 April, 1838, c. 57, s. 4, v. 5, p. 227.

SEC. 451. If, upon such privy examination and explanation, she shall acknowledge the deed 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, the officer shall certify such examination, acknowledgment, and declaration by a certificate annexed to the deed, and under his hand and seal, to the following effect:

Certificate.

Ibid.

— county, [or city, &c.,] to wit:

I, A B, a justice of the peace, [or other prescribed officer, giving title,] in the county [or city, &c.] aforesaid, in the State [or Territory, &c.] of —, do hereby certify that C D, the wife of E F, party to a certain deed bearing date on the — day of — and hereunto annexed, personally appeared before me in the county [or city, &c.] aforesaid, the said C D being well known to me as [or proved by the oaths of credible witnesses before me to be] the person who executed the said deed, and being by me 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 my hand and seal this — day of —.

A. B. [SEAL.]

SEC. 452. When the privy examination, acknowledgment, and declaration of a married woman is taken and certified and delivered to the recorder of deeds for record, in accordance with the provisions of this chapter, the deed shall be as effectual in law as if she had been an unmarried woman, but no covenant contained in the deed shall in any manner operate upon her or her heirs, further than to convey effectually her right of dower or other interest in the real estate which she may have at the date of deed. [See §§ 727-730.]

Effect of deed.

Ibid.

CONVEYANCE FOR RELIGIOUS PURPOSES.

SEC. 453. Where any conveyance or devise of real estate is made for the use and benefit of any religious congregation as a place of public worship, such conveyance or devise shall not be void or frustrated by reason of the want of trustees to take and hold the same in trust, but trustees may be appointed as provided in the following section.

Certain conveyances not void for want of trustees.

17 June, 1844, c. 101, s. 2, v. 5, p. 679.

SEC. 454. When such conveyance or devise is made, whether by the intervention of trustees or not the supreme court of the district shall, on application of the United States attorney, on behalf of the authorities of any such congregation, have power to appoint trustees, originally, when there are none, or to substitute others, from time to time, in cases of death, refusal, or neglect to act, removal from the District, or other inability to execute the trust beneficially and conveniently; and the

Appointment of trustees.

Ibid., s. 3.

legal title shall thereupon become exclusively vested in the whole number of the trustees and their successors.

Who may sue and be sued.

17 June, 1844, c. 101, s. 4, v. 5, pp. 679, 680.

SEC. 455. A majority of the acting trustees for any such congregation may sue and be sued in their own names, in relation to the title, possession, or enjoyment of such property, without abatement by the death of any of the trustees, or substitution of others; and the action or suit may be prosecuted to its final termination in the names of the trustees by or against whom the same was instituted, and all other proceedings had in relation thereto, in like manner as if such death or substitution had not occurred.

Limitation to use of land.

Ibid., p. 680.
5 May, 1870, c. 80, s. 2, v. 16, p. 99.

SEC. 456. Land authorized to be conveyed and held subsequent to June seventeenth, eighteen hundred and forty-four, and prior to May fifth, eighteen hundred and seventy, for the uses of any religious congregation, in quantity not exceeding fifty acres, if in the District outside of the cities of Washington and Georgetown, nor exceeding three acres, if in either of said cities, shall not be held by the trustees of such congregation for any other use than as a place of public worship, religious or other instruction, burial-ground, or residence of their minister.

Gifts and devises.

25 July, 1866, c. 237, v. 14, p. 232.

SEC. 457. The thirty-fourth section of the Declaration of Rights of the State of Maryland, adopted seventeen hundred and seventy-six, so far as the same was recognized and adopted in the District prior to July twenty-fifth, eighteen hundred and sixty-six, is repealed and annulled, and all sales, gifts, and devises prohibited by said section, or by any law passed in accordance therewith, are, when made, valid and effectual: *Provided*, That, in case of gifts and devises, the same shall be made at least one calendar month before the death of the donor or testator. ^[See §§ 532, 530.]

QUIETING LAND-TITLES.

Certain deeds not to be invalid.

3 Mar., 1863, c. 115, v. 12, p. 807.

SEC. 458. No deed or conveyance of squares or lots of public land in the city of Washington made in pursuance of law prior to March third, eighteen hundred and sixty-three, by the commissioner of public buildings, or any other authorized officer, shall be deemed invalid in law, for the want of an acknowledgment by the commissioner or other authorized officer before such judicial officers as deeds of real property made between individuals are required by law to be acknowledged.

Defective acknowledgments cured.

3 Mar., 1865, c. 110, s. 1, v. 13, pp. 531, 532.

SEC. 459. All deeds and acknowledgments recorded in the land-records of the District prior to March third, eighteen hundred and sixty-five, of any of the following classes, namely:

First. All deeds which have been executed and acknowledged by married women, their husbands having signed and sealed the same, for conveying any real estate or interest therein, situated in the District.

Second. All acknowledgments of deeds which have been made by married women, whether they have executed the deed or not, for the purpose of releasing their claims to dower in the lands described therein, situated in the District, in which acknowledgments the form prescribed by law has not been followed.

Third. All deeds which have been executed and acknowledged by an attorney in fact, duly appointed for conveying real estate situated in the District.

Fourth. All deeds executed and acknowledged, or only acknowledged by such attorney in fact, for conveying real estate situated in the District, as to which the acknowledgment 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;

Fifth. All deeds for the purpose of conveying land situated in the District, acknowledged out of the District, 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;

Sixth. All deeds for the purpose of conveying land situated in the 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,

Seventh. All deeds for the purpose of conveying land situated in the District to which there is not annexed a legal certificate as to the official character of the officer or officers taking the acknowledgment, are declared to be of 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—

First. As if such deeds had been by such married women executed and acknowledged, or acknowledged in case of a dower right, in the form prescribed by law;

Second. As if such deeds had been executed and acknowledged by the grantor in the deed;

Third. As if such power of attorney had been proved before the officer or officers taking the acknowledgment;

Fourth. As if such power of attorney had been proved before two justices of the peace;

Fifth. As if such acknowledgment had been made before any judge of a State court, or before two justices of the peace;

Sixth. 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;

Seventh. 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.

SEC. 460. In cases mentioned in the preceding section the certificate of acknowledgment by a married woman must show that the acknowledgment 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.

SEC. 461. Any acknowledgment made by a married woman of any deed executed by her husband, and recorded as mentioned in section four hundred and fifty-nine, shall be good and effectual to bar all claim on her part to dower in the lands described therein, situated in the District, although she shall not have executed the same.

SEC. 462. When the power of attorney mentioned in section four hundred and fifty-nine is executed by a married woman, the same shall be effectual and sufficient if there is such an acknowledgment of the same as would be sufficient, under the provisions of this chapter, to pass her estate and interest therein were she a party executing the deed of conveyance.

SEC. 463. The record and copy thereof of any deed recorded, as mentioned in section four hundred and fifty-nine, shall be evidence thereof, in the same manner and shall have the same effect as if such deed had been originally executed, acknowledged, and recorded according to law.

SEC. 464. 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 acknowledgment and recording of deeds of lands situated in the District, shall be taken and construed as cumulative with the acts of Maryland on the same subject in force in the District at the passage thereof, and an acknowledgment made and certified in compliance with any one of said acts, and before any officer authorized by either of said acts to take an acknowledgment, whether in or out of the District, shall be good and effectual.

SEC. 465. If in any case it shall appear that the grantor "acknowledged said deed," it shall have the same effect as if he acknowledged the deed to be his act and deed.

Privy acknowledgments.

3 March, 1865, p. 110, s. 1, v. 13, pp. 531, 532.

What sufficient to bar dower.

Ibid., s. 3, p. 532.

When power of attorney sufficient.

Ibid., s. 1, p. 532.

Record and copy of deed.

Ibid.

Construction of certain acts.

31 May, 1832, c. 112, v. 4, p. 520.
20 April, 1838, c. 57, v. 5, p. 226.
3 March, 1865, c. 110, s. 3, v. 13, p. 532.

What sufficient to express acknowledgment.

3 March, 1865, c. 110, s. 1, pp. 531, 532.

SEC. 466. All exceptions in favor of parties beyond the District, which may by laws in force March third, eighteen hundred and sixty-five, be replied or relied on in any action or proceeding brought in the District, are repealed and abrogated.

Certain exceptions abrogated.

Ibid., s. 2, p. 532.