

When wills shall be deemed legally executed.

by the law, either of the place where executed, or of the testator's domicile, shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state; provided, said last will and testament is in writing and subscribed by the testator.

SECTION 2. All laws or parts of laws contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1895.

No. 53, S.]

[Published April 5, 1895.

CHAPTER 125.

AN ACT to establish a law uniform with the laws of other states relating to the acknowledgment of written instruments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Forms of acknowledgment, legality of.

SECTION 1. Either the forms of acknowledgment now in use in this state, or the following, may be used in the case of conveyances or other written instruments, whenever such acknowledgment is required or authorized by law for any purpose:

(Begin in all cases by a caption specifying the state and place where the acknowledgment is taken.)

New form of acknowledgment—Acting in ones own right.

1. In the case of natural persons acting in their own right:

On this—day of—, 18—, before me personally appeared A B (or A B and C D), to me known to be the person (or persons) described in and who executed the foregoing INSTR.

and acknowledged that he (or they) executed the same as his (or their) free act and deed.

2. In the case of natural persons acting by attorney:

Form in case person acts by attorney.

On this — day of —, 18—, before me personally appeared A B, to me known to be the person who executed the foregoing instrument in behalf of C D, and acknowledged that he executed the same as the free act and deed of said C D.

3. In the case of corporations or joint-stock associations:

In case of corporations or joint stock associations.

On this — day of —, 18—, before me appeared A B, to me personally known, who, being by me duly sworn (or affirmed), did say that he is the president (or other officer or agent of the corporation or association) of (describing the corporation or association), and that the seal affixed to said instrument is the corporate seal of said corporation (or association), and that said instrument was signed and sealed in behalf of said corporation (or association) by authority of its board of directors (or trustees), and said A B acknowledged said instrument to be the free act and deed of said corporation (or association).

(In case the corporation or association has no corporate seal, omit the words "the seal affixed to said instrument is the corporate seal of said corporation (or association), and that," and add, at the end of the affidavit clause, the words "and that said corporation (or association) has no corporate seal.") (In all cases add signature and title of the officer taking the acknowledgment.)

SECTION 2. The acknowledgment of a married woman when required by law may be taken in the same form as if she were sole, and without any examination separate and apart from her husband.

In case of married women, how taken.

SECTION 3. The proof or acknowledgment of any deed or other written instrument required to be proved or acknowledged in order to enable the same to be recorded or read in evidence, when made by any person without this

How proof of acknowledgment may be made and proved.

state and within any other state, territory or district of the United States, may be made before any officer of such state, territory or district authorized by the laws thereof to take the proof and acknowledgment of deeds, and when so taken and **certified as herein provided**, shall be entitled to be recorded in this state, and may be read in evidence in the same manner and with like effects as proofs and acknowledgments taken before any of the officers now authorized by law to take such proofs and acknowledgments, and whose authority so to do is not intended to be hereby affected.

Certificate of secretary of state to be attached, when.

SECTION 4. To entitle any conveyance or written instrument, acknowledged or proved under the preceding section, to be read in evidence or recorded in this state, there shall be subjoined or attached to the certificate of proof or acknowledgment, signed by such officer, a certificate of the secretary of state or territory in which such officer resides, under the seal of such state or territory, or a certificate of the clerk of a court of record of such state, territory or district in the county in which said officer resides or in which he took such proof or acknowledgment, under the seal of such court, stating that such officer was, at the time of taking such proof or acknowledgment, duly authorized to take acknowledgments and proofs of deeds of lands in said state, territory or district, and that said secretary of state, or clerk of court, is well acquainted with the handwriting of such officer, and that he verily believes that the signature affixed to such certificate of proof or acknowledgment is genuine.

Form of authentication of proof.

SECTION 5. The following form of authentication of the proof or acknowledgment of a deed or other written instrument when taken without this state, and within any other state, territory or district of the United States, or any form substantially in compliance with the foregoing provisions of this act, may be used:

Begin with a caption specifying the state, territory or district, and county or place where the authentication is made.

I, ———, clerk of the ——— in and for said county, which court is a court of record, having a seal (or I, ———, the secretary of state of such state or territory), do hereby certify that ———, by and before whom the foregoing acknowledgment (or proof) was taken, was, at the time of taking the same, a notary public (or other officer) residing (or authorized to act) in said county, and was duly authorized by the laws of said state (territory or district) to take and certify acknowledgments or proofs of deeds of lands in said state (territory or district), and further that I am well acquainted with the handwriting of said ———, and that I verily believe that the signature to said certificate of acknowledgment (or proof) is genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court (or state) this ——— day of ———, 18—.

SECTION 6. The proof or acknowledgment of any deed or other instrument required to be proved or acknowledged in order to entitle the same to be recorded or read in evidence, when made by any person without the United States, may be made before any officer now authorized thereto by the laws of this state, or before any minister, consul, vice-consul, charge d'affairs, or consular agent of the United States resident in any foreign country or port, and when certified by him under his seal of office it shall be entitled to be recorded in any county of this state, and may be read in evidence in any court in this state, in the same manner and with like effect as if duly proved or acknowledged in this state.

Proof of acknowledgment when persons resides without the United States.

SECTION 7. All laws or parts of laws contravening the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1895.