

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....  
1841.

CHAP. 9.**CHAPTER 9.**

## OF THE TENURE OF OFFICES.

SECT. 1. Tenure of offices, when not provided for by the constitution. | SECT. 2. Certain officers excepted.

Tenure of offices, when not provided for by the constitution. 1824, 257.

SECTION 1. All civil officers, who shall be appointed by the governor and council, whose tenure of office is not otherwise provided for, or limited by the constitution, otherwise than during the pleasure of the governor and council, shall hold and exercise their respective offices for the term of four years and no longer, unless re-appointed; subject, however, to removal at any time, within said term, at the discretion of the governor and council.

Certain officers excepted. 1824, 257.

SECT. 2. But the preceding section shall not be construed to extend to ministers of the gospel, who are, and may be, appointed to solemnize marriages; or to such persons as are or may be commissioned by the governor, before whom certain judicial, executive and civil officers are required by law to take and subscribe the oaths or affirmations, required by the constitution.

**CHAPTER 10.**

## OF QUALIFICATION OF OFFICERS.

1821, 104, § 1.

The justices of the supreme judicial court, the attorney general, secretary, treasurer, adjutant general and quarter master general, shall take and subscribe the oath or affirmation required by the constitution, before the governor and council, when in session, and, in their recess, before any two members of the council; and every other person elected, or appointed, or commissioned, to any judicial, executive, or civil office, shall take and subscribe the same before any one member of the council, or before any one of the magistrates commissioned by the governor for that purpose, excepting in cases where the constitution has otherwise provided.

**CHAPTER 11.**

## OF REGISTERS OF DEEDS.

<p>SECT. 1. Present registers to continue.</p> <p>2. Mode of choice by counties, or districts.</p> <p>3. Same subject. Term of office.</p> <p>4. Oath and bond.</p> <p>5. Bond, when county treasurer is register.</p>	<p>SECT. 6. Further proceedings, when no choice is made.</p> <p>7. Western district in Lincoln county.</p> <p>8. Eastern district in the same county.</p> <p>9. Western district in Oxford county.</p> <p>10. Clerk of the courts to be register, in case of vacancy.</p>
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SECT. 11. In certain cases, clerk may appoint a substitute.

12. Substitute to be sworn. Clerk to be responsible.

13. How vacancies may be filled.

14. County commissioners to examine returns.

SECT. 15. Removal in case of misconduct or incapacity.

16. Quality of paper for records.

17. Of deeds left to be recorded.

18. Of recording attachments.

19. Office to be kept in shire town.

SECTION 1. All registers of deeds, now in office, shall continue therein during the residue of the term, for which they were respectively elected, unless sooner vacated by death, resignation or otherwise.

Present registers to continue.

SECT. 2. In each county in the state, and in each registry district, described in the seventh, eighth, and ninth sections of this chapter, there shall be chosen by ballot, by such persons as are qualified to vote for representatives at town and plantation meetings, on the second Monday of September, in the year one thousand eight hundred and forty one, and every five years thence following, some person to be register of deeds.

Mode of choice by counties, or districts. 1821, 98, § 1.

SECT. 3. The meetings for the election of register of deeds shall be notified, held and regulated, and the votes received, sorted, counted, declared and recorded, in the same manner as votes for representatives, and fair copies of the lists of votes shall be attested by the selectmen and clerks of towns, and assessors and clerks of plantations, and sealed up in open town or plantation meeting; and the town and plantation clerks, respectively, shall cause the same to be delivered into the office of the clerk of the county commissioners, on or before the first day of the meeting of said commissioners next after the said month of September, to be by them opened and compared with the like returns from the several towns and plantations in such county, or registry district; and the person, having a majority of the votes, shall be declared register of deeds for said county or registry district, and shall hold his office for the term of five years, and until another shall be chosen and duly qualified.

Same subject. 1821, 98, § 1.

Term of office.

SECT. 4. Said register shall be sworn to the faithful discharge of the duties of his office, and give bond, with sufficient sureties, to the treasurer of the county, in the sum of two thousand dollars, for the faithful discharge of the trust.

Oath and bond. 1821, 98, § 1.

SECT. 5. When the register of deeds shall be treasurer of the county, such bond shall be given to the clerk of the county commissioners, for the use of the county.

Bond when county treasurer is register. 1821, 98, § 1.

SECT. 6. When, in any county, there shall be no choice of a register of deeds, the county commissioners shall issue their warrants to the selectmen of the towns, and assessors of the plantations, in such county, to call meetings of the qualified voters, to vote for a register of deeds, and the votes shall be received, sorted, counted and certified, and the same proceedings be had, as mentioned in the third section of this chapter.

Further proceedings, when no choice is made. 1821, 98, § 2.

SECT. 7. All the towns in the county of Lincoln, lying west of Kennebec river, shall continue to compose and constitute a district for the registry of deeds, and be called the western district of Lincoln county, and the register shall keep his office at Topsham.

Western district in Lincoln county. 1826, 336, § 1, 2.

SECT. 8. The towns of St. George, Thomaston, Cushing, Friendship, Warren, Union and Washington, in said county of Lincoln,

Eastern district in the same county. 1836, 220, § 1, 2.

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shall continue to compose and constitute a district for the registry of deeds, and be called the eastern district of Lincoln county, and the register shall keep his office at Thomaston.

Western district in Oxford county. Mass. laws. Feb. 26, 1806.

SECT. 9. The towns of Hiram, Porter, Brownfield, Denmark, Fryeburg, Sweden, Lovell, Stoneham and Stow, in the county of Oxford, shall continue to compose and constitute a district for the registry of deeds, and be called the western district of the county of Oxford; and the register shall keep his office at Fryeburg.

Clerk of the courts to be register in case of vacancy. 1825, 287, § 1.

SECT. 10. In case of vacancy in the office of register, in any county or registry district, the clerk of the judicial courts of the county, within which such vacancy may be, being first sworn to the faithful discharge of his duty, shall perform all the duties and services required of a register of deeds, during such vacancy; and be entitled to the same compensation, and subject to the like liabilities, as a register of deeds.

In certain cases, clerk may appoint a substitute. 1825, 287, § 2.

SECT. 11. In any county, where there are or may be, two or more registry districts, such clerk shall have power to appoint some suitable person under him, to take charge of, and perform the duties of said office, in the district or districts, in which the registry is not kept in the shire town, during such vacancy.

Substitute to be sworn. 1825, 287, § 2. Clerk to be responsible.

SECT. 12. The person so appointed shall be sworn to the faithful discharge of the duties of his appointment, and said clerk shall be responsible, in all cases for the doings of such person.

How vacancies may be filled. 1821, 98, § 5.

SECT. 13. For the purpose of supplying such vacancy, by a new election of a register, the chairman of the county commissioners shall issue his warrant to the selectmen of the towns, and assessors of the plantations, in said county, or registry district in such county, wherein the vacancy may exist, directing them to convene the qualified voters in the towns and plantations in such county or district, to proceed to the choice of some suitable person to fill the vacancy.

County commissioners to examine returns. 1821, 98, § 5.

SECT. 14. The chairman of the commissioners shall make his warrants returnable at a day certain, and notify the other county commissioners to attend at the return day, who shall examine the returns made, as directed, and the person having the majority of votes, after being duly sworn, and having given bond as aforesaid, shall be the register until the time, by law appointed, for the next election of register throughout the state.

Removal in case of misconduct or incapacity. 1821, 98, § 4.

SECT. 15. Whenever, on presentment of the grand jury, or information of the attorney general, to the supreme judicial court, any register of deeds shall, by default, confession, demurrer, or verdict, after due notice, be found guilty of misconduct in his office, or incapable of discharging its duties, said court shall enter judgment, that he be removed from office, and issue a writ to the sheriff, to take possession of all the books and papers belonging to the office, and deliver them to the clerk of said court, that he may perform the duties of register of deeds, in the manner prescribed in the tenth and eleventh sections of this chapter.

Quality of paper for records. 1821, 109, § 2.

SECT. 16. The records, in each registry office, shall be made and entered on paper of a firm texture, well sized and finished, the principal ingredient of which shall be linen.

Of deeds left to be recorded. 1821, 98, § 6.

SECT. 17. Every register shall, at the time of receiving any deed or instrument to be recorded, make a memorandum thereon, of the

day, and the time of the day, when it was so received and filed; and every such deed or instrument shall be considered as recorded, at the time such memorandum is made; and he shall suffer no deed or instrument for the conveyance of real estate to be altered, amended, or withdrawn, until it is fully recorded and examined.

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SECT. 18. Every register shall receive all copies of special attachment, made and attested by any officer, of real property situate in the county or district, of which he is register, and minute on the same the time when they are received, and keep the same on file for the inspection of those, who may be interested, and shall enter the same in a book kept for that purpose.

Of recording attachments. 1838, 344, § 3.

SECT. 19. The register of deeds in each county, in which there is but one register, shall keep his office in the shire town of the county.

Office to be kept in shire town.

## CHAPTER 12.

### OF THE CHOICE, POWERS AND DUTIES OF COUNTY TREASURERS.

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| <p>SECT. 1. Present treasurers to continue in office.</p> <p>2, 3. Time and mode of choice.</p> <p>4. Oath, bond, and tenure of office.</p> <p>5. In certain cases to be appointed by the county commissioners.</p> <p>6. Persons disqualified from holding the office.</p> <p>7. Of the treasurers disbursements, accounts and compensation.</p> <p>8. To enforce county taxes.</p> <p>9, 10. His duty, as to bills of cost against the state.</p> <p>11. Of his commissions. Balance to be paid to the state treasurer.</p> <p>12. Penalty for his neglect of duty.</p> <p>13. Balance still to be paid over.</p> <p>14, 15. Annual accounts to be rendered to the governor and council.</p> <p>16. Account to include commissions.</p> <p>17. Statement of financial concerns of the county to be published, annually.</p> | <p>SECT. 18. Of duties paid on the admission of attorneys.</p> <p>19. Registry of all fines and bills of costs.</p> <p>20. Penalty for neglect of rendering accounts to the governor and council.</p> <p>21. Schedules of securities taken for fines, &amp;c. on liberation of poor convicts.</p> <p>22. Copy of sheriffs' account to be transmitted to the secretary of state.</p> <p>23. Treasurer's account to be transmitted to the secretary of state, with the county estimates.</p> <p>24. To account for money or effects of the county, annually.</p> <p>25. Expenses of keeping poor convicts in prison.</p> <p>26. Treasurer to account for money received of the United States for use of jails.</p> |
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SECTION 1. Each county treasurer now in office shall continue to hold it, till his successor shall be appointed, or chosen, and qualified according to law.

Present treasurers to continue in office.

SECT. 2. In each county, there shall be annually chosen on the second Monday of September, by the ballots of such persons, as are by the constitution authorized to vote for representatives in the several towns, some person resident in such county, for a county treasurer.

Time and mode of choice. 1821, 99, § 1.

SECT. 3. The meetings for the election of county treasurers shall be notified, held, and all proceedings therein regulated, returns made, and proceedings thereon had, as provided in section three of chapter eleven, for the election of register of deeds.

Same subject. 1821, 99, § 1.