

# MAINE STATE LEGISLATURE

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# EIGHTY-THIRD LEGISLATURE

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**House Document**

**No. 341**

H. P.1039            House of Representatives, Mar. 8, 1927.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Aldrich of Topsham.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-SEVEN

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AN ACT Validating Acts and Deeds Valid Except for Certain  
Irregularities and Omissions.

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Be it enacted by the People of the State of Maine, as follows:

Section 1. All records of all deeds and other instruments,  
2 including powers of attorney, heretofore made for the con-  
3 veyance of real property in this state, or of any interest  
4 therein, and recorded, or written out at length in the books  
5 of record, in the registry of deeds of the county in which  
6 said real property lies, the acknowledgment of which was  
7 not completed, or was erroneously taken, or was taken by  
8 a person not having authority to take such acknowledg-  
9 ment, or where the authority of the person taking such  
10 acknowledgment was not completely stated, or was erro-

11 neously stated, or where it does not appear whether the  
12 authority taking such acknowledgment acted as a notary  
13 public, a justice of the peace, or other duly authorized au-  
14 thority for the taking of such acknowledgment, or where  
15 no acknowledgment of such deed was taken, or where the  
16 authority taking such acknowledgment had not signed the  
17 same but had attached or had affixed or had stamped  
18 thereon his seal of authority, or where the acknowledgment  
19 was taken by the grantor or grantee, or by the husband  
20 or wife of the grantor or grantee, or the acknowledgment  
21 was taken by a magistrate who was a minor, or an inter-  
22 ested party or whose term of office had expired at the time  
23 of such acknowledgment, or an acknowledgment of which  
24 was taken by a proper officer but outside of the territory  
25 in which he was authorized to act, or was taken before any  
26 person who, at the time of such acknowledgment had re-  
27 ceived an appointment, election or permission authorizing  
28 him to take such acknowledgment, but had not qualified,  
29 but who has since such time duly qualified, or where the  
30 grantor was acting as a duly authorized agent or in a fiduci-  
31 ary or representative capacity, or was acting as an officer  
32 of a corporation and acknowledged said instrument indi-  
33 vidually, or where the acknowledgment was taken without  
34 the state before any person authorized to take acknowledg-  
35 ments, and using the form of acknowledgment prescribed  
36 by the laws of the state or country in which such instru-  
37 ment was executed, or such person has failed to affix to

38 such conveyance a proper certificate, showing his authority  
39 to act as such magistrate; or where such acknowledgment  
40 was not signed by a magistrate of this state or any other  
41 state or territory of the United States, or any foreign  
42 country, authorized to take such acknowledgment, but such  
43 acknowledgment was signed by an ambassador, minister,  
44 charge d'affaires, consul, vice-consul, deputy consul, consul-  
45 general, vice-consul-general, consular agent, vice-consular  
46 agent, commercial agent or vice-commercial agent of the  
47 United States in any foreign country, who was not quali-  
48 fied to take such acknowledgment, but has since become  
49 qualified by law so to do, but which acknowledgment was  
50 complete in every other respect; or where the acknowledg-  
51 ment was signed by a proper magistrate but there has been  
52 omitted therefrom, his official seal, if he have one, or the  
53 names of the grantors, the date and place of acknowledg-  
54 ment, or the words, "personally appeared before me," or a  
55 statement that it was acknowledged as the grantor's "free  
56 act and deed;" or such certificate of acknowledgment is  
57 in the form of an oath, or states merely that the said deed  
58 was subscribed in his presence, or is otherwise informal or  
59 incomplete, if signed by a proper magistrate; and all records  
60 in any such registry of instruments relating to the title to  
61 real property which fail to disclose the date when received  
62 for record or the record of which has not been signed by  
63 the register of deeds for said county or other duly author-  
64 ized recording officer, such records are validated.

Sect. 2. All deeds and other instruments, including powers of attorney, heretofore made for the conveyance of real property in this state, or any interest therein, and otherwise valid except that the same omitted to state any consideration therefor, or that the same were not sealed by the grantors or any of them, such deeds are validated. Every duly recorded satisfaction piece or instrument heretofore executed with intent to cancel and discharge or assign a mortgage of real estate, fully identifying the mortgage so intended to be cancelled and discharged or assigned, but not drawn in formal accordance with statutory requirements, shall be held a valid discharge or assignment of such mortgage and a release or assignment of the mortgaged interest in such real estate. All corporations organized, or attempted to be organized, under and by virtue of any of the statutes of this state more than twenty years prior to the passage of this act, and not heretofore declared to be invalid, shall be held to all intents and purposes as if the same had in all respects been properly and rightfully organized and existing as lawful corporations, and the deeds, or other instruments of such corporations organized or attempted to be organized, given in their corporate names, affecting real estate in this state or conveying the same, and heretofore recorded, or written out at length upon the books of record in the county in which such real estate lies, shall not be held invalid by reason of any lack of authority or informality for or in their execu-

28 tion or delivery, if taken bona fide from the acting officers  
29 of such corporation, or attempted organization as such,  
30 which such taking shall be presumed, but such corporations,  
31 attempted organizations as such, with such deeds and their  
32 records made as aforesaid are validated. Any deed or other  
33 instrument made for the purpose of conveying real prop-  
34 erty in this state or any interest therein, and heretofore  
35 recorded or spread at length in the books of record in the  
36 registry of deeds for the county in which said real prop-  
37 erty lies, which said deed or other instrument or said  
38 records fail to disclose authority by such corporation for  
39 the conveyance of such real estate, or which deed or other  
40 instrument fails to bear the corporate seal, or is executed  
41 or acknowledged by the person executing such deed in his  
42 individual capacity, or which fails to disclose the official  
43 capacity of the person executing such deed, or which was  
44 not signed by the officer duly authorized to sign such deed,  
45 such deeds with their records made as aforesaid are vali-  
46 dated. All deeds and other instruments heretofore made  
47 for the conveyance of real property in this state, or any  
48 interest therein and executed by a person or persons pur-  
49 porting to act as the agent or attorney of the grantors, or,  
50 and their spouses or any of them, which such deeds have  
51 been recorded or written at length in the books of record  
52 in the registry of deeds for the county in which said real  
53 property lies more than forty years prior to the passage of  
54 this act, but no power of attorney authorizing and em-

55 powering such agent or attorney to make such conveyance  
56 or execute and deliver such deed, appears of record, but  
57 such real estate has in the meantime been occupied, claimed  
58 or treated by the grantees and those claiming by, through  
59 or under them as other property of like kind and similarly  
60 situated would be held or claimed by the owners thereof,  
61 such deeds shall be held to all intents and purposes as if  
62 executed and delivered under and by virtue of proper pow-  
63 er of attorney duly recorded and given for the purpose,  
64 and the records thereof are validated. In all cases in  
65 which an executor, administrator, guardian or conservator  
66 or trustee, master or receiver or similar officer has been  
67 authorized or ordered by a court of probate or other com-  
68 petent court to sell or exchange real estate and has sold  
69 or exchanged such real estate, or any interest therein in  
70 accordance with such authority, without first having filed  
71 a bond covering the faithful administration and distribu-  
72 tion of the avails of such sale when such bond is required  
73 by law, and has given a deed thereof to the purchaser of  
74 the same or to the person with whom such exchange was  
75 authorized or ordered; or where such executor, adminis-  
76 trator, guardian, conservator, trustee, master or receiver or  
77 other similar officer, appointed as aforesaid, has acted in  
78 such capacity under a decree of any such court appointing  
79 him to such office, but which such decree of appointment  
80 erroneously or by inadvertence excused him from giving  
81 bond in such capacity when such bond is required by law

82 and not in fact given, such deeds and acts heretofore done  
83 are validated.