

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

Senate Document

No. 160

S. P. 377

In Senate, Mar. 1, 1927.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Holmes of Androscoggin.

STATE OF MAINE

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

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

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 acknowledgment,
9 or where the authority of the person taking such acknowl-

10 edgment was not completely stated, or was erroneously
11 stated, or where it does not appear whether the authority
12 taking such acknowledgment acted as a notary public, a
13 justice of the peace, or other duly authorized authority for
14 the taking of such acknowledgment, or where no acknowl-
15 edgment of such deed was taken, or where the authority taking
16 such acknowledgment had not signed the same but had at-
17 tached or had affixed or had stamped thereon his seal of
18 authority, or where the acknowledgment was taken by the
19 grantor or grantee, or by the husband or wife of the grantor
20 or grantee, or the acknowledgment was taken by a magis-
21 trate who was a minor, or an interested party or whose term
22 of office had expired at the time of such acknowledgment,
23 or an acknowledgment of which was taken by a proper
24 officer but outside of the territory in which he was authorized
25 to act, or was taken before any person who, at the time of
26 such acknowledgment had received an appointment, election
27 or permission authorizing him to take such acknowledgment,
28 but had not qualified, but who has since such time duly
29 qualified, or where the grantor was acting as a duly author-
30 ized agent or in a fiduciary or representative capacity, or
31 was acting as an officer of a corporation and acknowledged
32 said instrument individually, or where the acknowledgment
33 was taken without the state before any person authorized
34 to take acknowledgments, and using the form of acknowl-
35 edgment prescribed by the laws of the state or country in
36 which such instrument was executed, or such person has

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

Sect. 2. All deeds and other instruments, including powers
2 of attorney, heretofore made for the conveyance of real
3 property in this state, or any interest therein, and otherwise
4 valid except that the same omitted to state any consideration
5 therefor, or that the same were not sealed by the grantors
6 or any of them, such deeds are validated. Every duly
7 recorded satisfaction piece or instrument heretofore exe-
8 cuted with intent to cancel and discharge or assign a mort-
9 gage of real estate, fully identifying the mortgage so in-
10 tended to be cancelled and discharged or assigned, but not
11 drawn in formal accordance with statutory requirements,
12 shall be held a valid discharge or assignment of such mort-
13 gage and a release or assignment of the mortgaged interest
14 in such real estate. All corporations organized, or attempted
15 to be organized, under and by virtue of any of the statutes
16 of this state more than twenty years prior to the passage of
17 this act, and not heretofore declared to be invalid, shall be
18 held to all intents and purposes as if the same had in all
19 respects been properly and rightfully organized and existing
20 as lawful corporations, and the deeds, or other instruments
21 of such corporations organized or attempted to be organized,
22 given in their corporate names, affecting real estate in this
23 state or conveying the same, and heretofore recorded, or
24 written out at length upon the books of record in the county
25 in which such real estate lies, shall not be held invalid
26 by reason of any lack of authority or informality for or in
27 their execution or delivery, if taken bona fide from the act-

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

55 or execute and deliver such deed, appears of record, but
56 such real estate has in the meantime been occupied, claimed
57 or treated by the grantees and those claiming by, through or
58 under them as other property of like kind and similarly
59 situated would be held or claimed by the owners thereof,
60 such deeds shall be held to all intents and purposes as if
61 executed and delivered under and by virtue of proper power
62 of attorney duly recorded and given for the purpose, and
63 the records thereof are validated. In all cases in which an
64 executor, administrator, guardian or conservator or trustee,
65 master or receiver or similar officer has been authorized
66 or ordered by a court of probate or other competent court to
67 sell or exchange real estate and has sold or exchanged such
68 real estate, or any interest therein in accordance with such
69 authority, without first having filed a bond covering the
70 faithful administration and distribution of the avails of
71 such sale when such bond is required by law, and has given
72 a deed thereof to the purchaser of the same or to the person
73 with whom such exchange was authorized or ordered; or
74 where such executor, administrator, guardian, conservator,
75 trustee, master or receiver or other similar officer, appointed
76 as aforesaid, has acted in such capacity under a decree of
77 any such court appointing him to such office, but which such
78 decree of appointment erroneously or by inadvertence ex-
79 cused him from giving bond in such capacity when such
80 bond is required by law and not in fact given, such deeds
81 and acts heretofore done are validated.