

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTY-THIRD LEGISLATURE

Senate Document

No. 384

S. P. 654

In Senate, Apr. 12, 1927.

Reported by Mr. Holmes from Committee on Legal Affairs
and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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 acknowledg-
9 ment, or where the authority of the person taking such
10 acknowledgment was not completely stated, or was errone-

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

38 person has failed to affix to such conveyance a proper cer-
39 tificate, showing his authority to act as such magistrate;
40 or where such acknowledgment was not signed by a magis-
41 trate of this state or any other state or territory of the
42 United States, or any foreign country, authorized to take
43 such acknowledgment, but such acknowledgment was signed
44 by an ambassador, minister, charge d'affaires, consul, vice-
45 consul, deputy consul, consul-general, vice-consul-general,
46 consular agent, vice-consular-agent, commercial agent or
47 vice-commercial agent of the United States in any foreign
48 country, who was not qualified to take such acknowledg-
49 ment, but has since become qualified by law so to do, but
50 which acknowledgment was complete in every other re-
51 spect; or where the acknowledgment was signed by a prop-
52 er magistrate but there has been omitted therefrom his offi-
53 cial seal, if he have one, or the names of the grantors, the
54 date and place of acknowledgment, or the words, "person-
55 ally appeared before me," or a statement that it was ac-
56 knowledged as the grantor's "free act and deed"; or such
57 certificate of acknowledgment is in the form of an oath,
58 or states merely that the said deed was subscribed in his
59 presence, or is otherwise informal or incomplete, if signed
60 by a proper magistrate; and all records in any such regis-
61 try of instruments relating to the title to real property which
62 fail to disclose the date when received for record or the
63 record of which has not been signed by the register of

64 deeds for said county or other duly authorized recording
65 officer, such records are validated.

Sect. 2. All deeds and other instruments, including pow-
2 ers of attorney, heretofore made for the conveyance of real
3 property in this state, or any interest therein, and other-
4 wise valid except that the same omitted to state any con-
5 sideration therefor, or that the same were not sealed by
6 the grantors or any of them, such deeds are validated. Ev-
7 ery duly recorded satisfaction piece or instrument hereto-
8 fore executed with intent to cancel and discharge or assign
9 a mortgage of real estate, fully identifying the mortgage
10 so intended to be cancelled and discharged or assigned,
11 but not drawn in formal accordance with statutory require-
12 ments, shall be held a valid discharge or assignment of such
13 mortgage and a release or assignment of the mortgaged
14 interest in such real estate. All corporations organized, or
15 attempted to be organized, under and by virtue of any of
16 the statutes of this state more than twenty years prior to
17 the passage of this act, and not heretofore declared to be
18 invalid, shall be held to all intents and purposes as if the
19 same had in all respects been properly and rightfully or-
20 ganized and existing as lawful corporations, and the deeds,
21 or other instruments of such corporations organized or at-
22 tempted to be organized, given in their corporate names,
23 affecting real estate in this state or conveying the same,
24 and heretofore recorded, or written out at length upon the
25 books of record in the registry of deeds in the county in

26 which such real estate lies, shall not be held invalid by rea-
27 son of any lack of authority or informality for or in their
28 execution or delivery, if taken bona fide from the acting
29 officers of such corporation, or attempted organization as
30 such, which such taking shall be presumed, but such cor-
31 porations, attempted organizations as such, with such deeds
32 and their records made as aforesaid are validated. Any
33 deed or other instrument made for the purpose of convey-
34 ing real property in this state or any interest therein, and
35 heretofore recorded or spread at length in the books of
36 record in the registry of deeds for the county in which said
37 real property lies, which said deed or other instrument or
38 said records fail to disclose authority by such corporation
39 for the conveyance of such real estate, or which deed or
40 other instrument fails to bear the corporate seal, or is exe-
41 cuted or acknowledged by the person executing such deed
42 in his individual capacity, or which fails to disclose the
43 official capacity of the person executing such deed, or which
44 was not signed by the officer duly authorized to sign such
45 deed, such deeds with their records made as aforesaid are
46 validated. 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 empower-
55 ing such agent or attorney to make such conveyance or exe-
56 cute and deliver such deed, appears of record, but such real
57 estate has in the meantime been occupied, claimed or treated
58 by the grantees and those claiming by, through or under
59 them as other property of like kind and similarly situated
60 would be held or claimed by the owners thereof, such deeds
61 shall be held to all intents and purposes as if executed and
62 delivered under and by virtue of proper power of attorney
63 duly recorded and given for the purpose, and the records
64 thereof are validated. All instruments written or recorded
65 in the books of record in the registry of deeds in the county
66 in which the real estate affected thereby lies, more than
67 forty years prior to the passage of this act, signed or exe-
68 cuted by any person or persons purporting to act as the
69 agent or attorney of the holder of any mortgage of real
70 estate and purporting to operate as a discharge of such
71 mortgage, shall be held as if executed and delivered under
72 and by virtue of a proper power of attorney given for the
73 purpose, although no power of attorney authorizing such
74 agent or attorney thereto shall appear of record, and the
75 records thereof are validated. In all cases in which an ex-
76 ecutor, administrator, guardian or conservator or trustee,
77 master or receiver or similar officer has been authorized or
78 ordered by a court of probate or other competent court to
79 sell or exchange real estate and has sold or exchanged such

80 real estate, or any interest therein in accordance with such
81 authority, without first having filed a bond covering the
82 faithful administration and distribution of the avails of such
83 sale when such bond is required by law or has failed to
84 comply with any other prerequisite for the issuance of the
85 license authorizing such sale or exchange, and has given a
86 deed thereof to the purchaser of the same or to the person
87 with whom such exchange was authorized or ordered; or
88 where such executor, administrator, guardian, conservator,
89 trustee, master or receiver or other similar officer, appointed
90 as aforesaid, has acted in such capacity under a decree of
91 any such court appointing him to such office, but which
92 such decree of appointment erroneously or by inadvertence
93 excused him from giving bond in such capacity when such
94 bond is required by law and not in fact given, such deeds
95 and acts heretofore done are validated.