

# MAINE STATE LEGISLATURE

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# L A W S

OF THE

## STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....  
VOL. I.  
.....

Published according to a resolve of the State, passed  
March 8, 1821.

BRUNSWICK.

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.....  
1821.

## CHAPTER XXXVI.

An Act directing the mode of transferring Real Estates by Deed.

All deeds, &c. to be signed, sealed, acknowledged by the grantor and recorded.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That all deeds or other conveyances of any lands, tenements or hereditaments, lying within this State, signed and sealed by the party granting the same, having good and lawful right or authority thereunto, and acknowledged by such grantor or grantors, before a Justice of the Peace in this State, or before a Justice of the Peace or magistrate in some other of the United States of America, (or in any other State or Kingdom where in the grantor or vendor may reside at the time of making and executing the deed,) and recorded at length in the registry of deeds in the county where such lands, tenements, or hereditaments lie, shall be valid to pass the same without any other act or ceremony in the law whatsoever. And no bargain, sale, mortgage or other conveyance in fee simple, fee tail, or for term of life, or any lease for more than seven years from the making thereof, of any lands, tenements, or hereditaments, within this State, shall be good and effectual in law to hold such lands, tenements or hereditaments, against any other person or persons, but the grantor or grantors, and their heirs only, unless the deed or deeds thereof be acknowledged and recorded in manner aforesaid: *Provided nevertheless,* That when any grantor or lessor as aforesaid shall go beyond sea, or be removed out of this government, or be dead, before the deed or conveyance by him executed, shall be acknowledged as aforesaid, in every such case the proof of such deed or conveyance, made by the oath of one or more of the witnesses, whose names may be thereunto subscribed, before any Court of record within this State; or in case one or all of such witnesses have also deceased, that the proof of the signature of such grantor or grantors, and of such subscribing witness or witnesses, made by the oath of two witnesses before any Court of record, within this State, shall be equivalent to the party's own acknowledgment thereof before a Justice of the Peace, as aforesaid.

No conveyance, &c. or lease for more than seven years shall be good against any but grantor & his heirs, unless so acknowledged & recorded.

Mode of proving deed when grantor is dead or out of State, &c.

Mode of proving when witnesses are also dead.

SEC. 2. *Be it further enacted,* That if any grantor or lessor of any lands, tenements or hereditaments, shall refuse to acknowledge any deed or other conveyance as aforesaid, it shall be lawful for such grantee or lessee to leave a copy of such deed or lease, compared with the original by the Register, in the Register's office, and such copy so left shall be deemed sufficient caution to all persons against purchasing or extending execution thereon for the space of forty days from the time of leaving such copy. And any Justice of the Peace in the same county, after such refusal, at the request of the grantee or lessee, his heirs, executors, administrators or assigns, may issue a summons for such grantor or lessor to appear (if he see cause) at a certain time and place therein mentioned, to hear the testimony of the subscribing witnesses thereunto; which summons shall be served by the proper officer, seven days at the least before the time therein assigned for proving the deed; and at such time and place, whether the grantor or lessor be present or not, it being made to appear by the oath of one or more of the witnesses thereunto subscribed, that they saw the said grantor (or lessor) voluntarily sign and seal the deed, and that they subscribed their names as witnesses thereunto at the same time, such proceedings, and a certificate thereof, under the hand of the Justice, annexed to the deed (wherein the presence or absence of the adverse party shall be noted,) shall be equivalent to the acknowledgment of the grantor before a Justice of the Peace: *Provided,* That nothing in this Act shall be construed to bar any widow of any vendor or mortgagor of lands, or tenements, from her dower or right in, or to such lands or tenements, who did not join with her husband in such sale or mortgage, or otherwise lawfully bar, or exclude herself from such dower or right.

SEC. 3. *Be it further enacted,* That no title or estate, in fee simple, fee tail, for term of life, or any lease for more than seven years from the making thereof, of any lands, tenements, or hereditaments within this State, shall be defeated or incumbered by any bond or other deed, or instrument of defeasance, in the hands or possession of any person, but the original party to such bond, deed, or other instrument, or his heirs, unless such bond, deed, or other instrument of

When grantor refuses to acknowledge a deed, what proceedings are to be had and the effect thereof.

Proviso as to widows' dower.

No estate in fee, &c. to be defeated by any bond of defeasance as to any but original party thereto, unless such defeasance is recorded.

Tenant in tail  
may convey in  
fee by deed  
signed before  
two witnesses,  
acknowledged  
and recorded;

legal effect of  
such convey-  
ance.

Effect of such  
conveyance  
by tenant of  
the freehold  
and remainder  
man,

defeasance be recorded at large in the Registry of Deeds, in which the original deed referred to in the said bond, deed, or other instrument of defeasance, shall have been recorded.

SEC. 4. *Be it further enacted*, That it shall be lawful for any person or persons, who shall be seized and possessed of any lands, tenements, or hereditaments within this State, in fee tail, being of full age, by deed duly executed before two or more credible subscribing witnesses, acknowledged before the Supreme Judicial Court in any county, or the Circuit Court of Common Pleas in the county where such lands lie, or before any Justice of the Peace in this State, or before a Justice of the Peace or Magistrate in some other of the United States of America, or in any other State or Kingdom wherein the grantor or vender may reside at the time of making and executing the deed, and recorded in the record of deed for such county, for a good or valuable consideration, *bona fide*, to give, grant, sell and convey such lands, tenements, or hereditaments, or any part thereof in fee simple, to any person or persons capable by law, of taking and holding real estates, in this State; and such deed so executed, acknowledged and recorded, shall be sufficient and effectual in law, to bar all estates tail in such lands, tenements or hereditaments; and all right and title of the tenant or tenants in tail, and their issue in tail, and of all others claiming under, and by force of the original gift or grant which created such estate tail in and to such lands, tenements or hereditaments, and all reversions and remainders, expectant upon the determinations of such estates tail, and to pass, and to vest the absolute inheritance in fee simple of such lands, tenements, or hereditaments, in such purchasers or grantees, without any fine or common recovery, made or suffered, or any other act or ceremony whatever, any law, custom or usage to the contrary notwithstanding.

SEC. 5. *Be it further enacted*, That in all cases whatever, where an estate tail in remainder in lands and tenements, together with all remainders and reversions expectant on the determination thereof, might by law be barred by a common recovery, duly suffered, by the tenant of the freehold and remainder man joining therein, such estate tail, with all such remainders and reversions expectant on the determina-

tion thereof, shall be as effectually barred, to all intents and purposes, by the deed or deeds of the tenant of the freehold, and of the remainder man, as the same could be barred by the suffering such common recovery; and the person or persons, to whom such deed or deeds shall be so made shall hold the lands and tenements so conveyed, to such uses, as may be therein expressed, in the same manner as though such uses had been so expressed in the deeds made, declaring the uses for which such common recovery might have been suffered: *Provided*, That such deed or deeds made for the purposes aforesaid, be duly executed, acknowledged and recorded as provided in this Act.

if executed as before mentioned.

SEC. 6. *Be it further enacted*, That all lands, tenements or hereditaments, in this State held, or that may be held in fee tail, general or special, shall be and are hereby declared to be liable and subject to the payment of the debts of the tenant in tail, in the same way and manner as other real estates are liable and subject, as well after the decease, as in the life time of such tenant in tail.

All lands held in fee tail liable to debts of tenant, as lands in fee simple.

SEC. 7. *Be it further enacted*, That all pews and rights in houses of public worship, shall be hereafter considered and deemed in law, to be real estate; but nothing in this Act shall be construed to affect in any manner the titles to any such pews and rights heretofore considered or acquired, as of personal estate.

Pews in meeting houses—real estate.

SEC. 8. *Be it further enacted*, That all deeds and conveyances of, and executions extended on such pews and rights may be recorded by the Clerk of the town or plantation wherein the same is situated; and being so recorded shall have the same effect in law, as if the same had been recorded in the Registry of Deeds.

Deeds of pews may be recorded by the town clerk.

[Approved February 20, 1821.]

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## CHAPTER XXXVII.

An Act for the Partition of Lands or other Real Estate.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That all persons having or holding, or that hereafter shall have or hold any lands,

Tenants in common, &c. may sue for