

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 XCVIII.

An Act concerning Registers of Deeds.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That there shall be chosen by ballot, in each county within this State, by such persons as are qualified to vote for Representatives, at the town and plantation meetings, on the second Monday of September, in the year of our Lord, one thousand eight hundred and twenty one, and every five years thence following, some discreet and suitable person to be Register of Deeds. And the Selectmen of towns, and Assessors of plantations shall receive, sort and count the votes of the qualified electors present, and declare the same; and the town or plantation Clerk shall form a list of the persons voted for, with the number of votes for each person against his name, and having recorded the same, shall transmit a certified copy of the record to the Clerk of the Court of Sessions within the county, on or before the first day of the term of said Court next after the said month of September; and it shall be the duty of said Court, on the second day of said term to examine the certified copies of the records aforesaid, returned by the Clerks of the towns and plantations within their county; and the person having a majority of all the votes legally returned, shall be declared Register of Deeds, and shall hold his office for the term of five years, and until some other person shall be chosen and qualified to act in his place. And the said Register shall be sworn to the faithful discharge of the duties of his office, and shall give bond with sufficient sureties to the Treasurer of the county, in the sum of two thousand dollars for the faithful discharge of his trust: *Provided*, That whenever the Register of Deeds shall be Treasurer of the county, such bond shall be given to the Clerk of the Court of Sessions.

Register of deeds to be chosen by ballot in September, 1821, and once every 5 years afterwards.

Mode of election.

Register so chosen, to be sworn, and to give bond to county treasurer, or Clerk of Sessions.

SEC. 2. *Be it further enacted*, That whenever it shall happen that no person shall have a majority of all the votes legally returned, for a Register of Deeds in any county within this State, it shall be the duty of the Court of Sessions to issue their warrants to the Selectmen of towns, and to the

When no choice is made by people, what proceedings are to be had at another trial.

Assessors of plantations, to call meetings of the qualified electors, to vote for a Register of Deeds; and the votes shall be received, sorted, counted and declared, and lists thereof recorded and certified to the Court of Sessions, in the manner prescribed in the first section of this Act; which certified lists shall be returned to the Clerk of the Court of Sessions previous to the time to which said Court shall adjourn, for the purpose of examining the same.

Register of Deeds to receive 17 cents duty on all deeds, &c. for use of county.

SEC. 3. *Be it further enacted,* That every Register of Deeds in this State, for each deed or instrument made for the conveyance of land, or any title therein, brought to his office to be recorded, shall, before he record the same, demand and receive, of the person bringing the same, seventeen cents; and on or before the first day of April annually, shall account on oath for, and pay to the Treasurer of the same county, all the duties that shall be so received; and said Register shall be allowed for receiving and paying said duties, at the rate of two per cent. thereon.

When Register is found guilty of misconduct, &c. in office, his records to be delivered to Clerk of Supreme Judicial Court.

SEC. 4. *Be it further enacted,* That when any Register of Deeds, upon the presentment of the Grand Jury, or information of the Attorney General, in the Supreme Judicial Court, shall by confession, demurrer, verdict or default, after reasonable notice, be found guilty of misconduct or misbehaviour in his said office; or that by reason of infirmity of body or mind, he is incapable of discharging the duties thereof; the said Court shall enter up judgment thereon that the same Register be removed and displaced from the said office; and thereupon issue a writ to the Sheriff of the same county, to take the books and papers, to the said office belonging, and them deliver over to the Clerk of said Court, to be by him carefully kept, until a Register shall be duly chosen and qualified as the law directs.

In case of death, resignation or removal of Register, what proceedings are to be had.

SEC. 5. *Be it further enacted,* That upon the death, resignation, or removal of any Register of Deeds, two or more Justices of the Sessions, living in or near the shire town of the county, shall issue their warrants, directed to the Selectmen of the several towns, and assessors of plantations, within such county, directing them to convene the inhabitants of their respective towns and plantations, qualified as aforesaid, and to proceed to the choice of some person quali-

fied as aforesaid, to fill up the vacancy; and the said Justices shall make their warrants returnable to themselves at a day certain, and shall give notice to the other Justices of the Sessions of their proceedings therein, and request them to meet upon the day appointed for the return of the said warrants, at some certain place in the shire town; and the major part of the Justices of such Court, who shall meet at the time and place assigned as aforesaid, shall examine the returns made as before directed, and the person having the majority of votes, after being sworn, and giving bonds as aforesaid, shall be the Register of Deeds for such county, until the time appointed by this Act for the election of Registers of Deeds throughout the State.

SEC. 6. *Be it further enacted,* That whenever a vacancy in the office of Register of Deeds in any county shall happen, the Clerk of the Supreme Judicial Court of such county, being first sworn to the faithful discharge of the trust, shall take into his custody the several books, wherein the deeds and conveyances of land are recorded, together with the deeds and other papers to the said office belonging. And the said Clerk shall receive all deeds and other papers brought to be recorded, during such vacancy, and he shall note thereon the time of their being received, and the record shall bear date accordingly; and such Clerk is also empowered during such vacancy, to make out attested copies of any such deeds and other papers and records to him committed as aforesaid; which copies shall be valid to all intents and purposes as though the same had been made out by any Register qualified as aforesaid; for which copies the said Clerk shall be allowed the same fees as is or may be provided for Registers in similar cases. And upon the appointment of a Register as aforesaid, he shall deliver up the said books, deeds and papers, into his hands.

In case of vacancy, Clerk of Supreme Judicial Court to be sworn—and take charge and perform certain duties of Register, during such vacancy.

[Approved March 19, 1821.]