

# 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.

Printed by J. Griffin, for the State.

.....  
1821.

bate of the  
several coun-  
ties, viz.

York.

Cumberland.

Lincoln.

Kennebec.

Hancock.

Oxford.

Somerset.

Washington.

Penobscot.

Registers of  
Probate to  
keep account  
of fees &c.

and pay to the  
county Treas-  
urer every  
three months.

Repeal.

ing of this Act, there shall be allowed and paid out of the Treasuries of the several counties in this State, to the respective Judges of Probate, the following sums which shall be in full for their services; to the Judge of Probate for the county of York, two hundred and seventy five dollars; for the county of Cumberland, three hundred dollars; for the county of Lincoln, three hundred dollars; for the county of Kennebec, two hundred and seventy five dollars; for the county of Hancock, two hundred and twenty five dollars; for the county of Oxford, one hundred and seventy five dollars; for the county of Somerset, one hundred and twenty five dollars; for the county of Washington, one hundred and fifty dollars; for the county of Penobscot, one hundred and fifty dollars; which salaries shall be paid in equal quarterly payments.

SEC. 2. *Be it further enacted*, That the Registers of Probate in the respective counties, shall keep an account of all fees which by law accrue to the several Judges of Probate, and shall at the end of every three months, pay to each of the county Treasurers the amount they may have received during said term.

SEC. 6. *Be it further enacted*, That all laws now in force inconsistent with the provisions of this Act, be, and they are hereby repealed.

[Approved March 19, 1821.]

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## CHAPTER CVIII.

An Act for the safe keeping of the Records of the several Courts of Justice.

Registers of  
Probate to  
give bond to  
the county  
Treasurer.

Condition of  
such bond.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That the Registers of the several Probate Courts that may hereafter be appointed to that office, shall, before they enter upon the duties of their said respective offices, severally give bond to the Treasurer of the county to which they severally belong, in a sum not less than one hundred or more than one thousand dollars, at the discretion of the Court to which they officiate, with one or more sufficient sureties for the faithful discharge of their trust; and for keeping up seasonably and in good order the

records of the same Court; and also to make and keep convenient and correct alphabets of the records of which they shall respectively be appointed officers and keepers.

SEC. 2. *Be it further enacted,* That any Clerk of the Judicial Courts or Register of Probate, who after giving bond as by law, and in the preceding section required, shall incur a forfeiture thereof, shall be and hereby is declared incapable of sustaining or holding the said office; and if either of the said Clerks or Registers shall have neglected to complete his records for more than six months, at any one time (sickness or any extraordinary casualty excepted) such neglect shall be adjudged a forfeiture of the bond of such Clerk or Register.

Effect of the forfeiture of Register's or Clerk's bond.

What neglect shall be adjudged a forfeiture.

SEC. 3. *Be it further enacted,* That the Justices and Judges of the said several Courts are hereby required and directed to inspect the conduct of their several Clerks and Registers, with respect to the records aforesaid; and upon a deficiency therein, such Judge and Justices shall give information thereof, in writing to the Treasurer who has the delinquent's bond in keeping; which Treasurer shall forthwith put the same in suit; and the money recovered on such suit shall be applied for bringing up the deficient records, under the direction of the respective Judge or Judges of the Court where such deficiency shall happen; and if there be a surplusage from the bond of a Register of Probate after making up the records, the same shall enure to the use of the county whereof the plaintiff is Treasurer; and if there be a surplusage on such bond of the Clerk of the Judicial Courts, such surplusage shall enure to the use of the State; and if the penalty of the bond incurred shall be insufficient to make up the deficient records, the estate of the deficient Clerk or Register shall be liable for the residue.

Justices and Judges to inspect their records, &c. and upon deficiency found—to direct Treasurer to put delinquent's bond in suit—

Proceedings therein.

If penalty of bond be insufficient, Clerk or Registers' estate liable to make up records.

SEC. 4. *Be it further enacted,* That in all cases where real estate shall have been set off, in satisfaction of any execution which shall have been issued by any Justice of the Peace, under either of the Acts of the Commonwealth of Massachusetts, entitled "An Act for rendering processes in law less expensive," if such Justice shall have deceased or removed out of the State without having completed his record, and the title to such real estate, founded on the ex-

In establishing a title to lands levied on by execution from a Justice under the confession Act, so called, what shall be considered legal proof

tent of such execution, shall be drawn in question in any action, the execution creditor or creditors, or the person or persons claiming such title under him or them, shall be admitted to show in evidence of his title a copy of the original writ, with the officer's return thereon and a copy of the execution, with the officer's return thereon registered according to law; which said copies, duly authenticated by the proper certifying officers thereof, shall be sufficient evidence of the judgment on which such execution issued as aforesaid. And the Clerks of the Judicial Courts in the several counties wherein such judgments were respectively rendered; and with whom the respective records thereof, together with the original processes, and all the papers relating thereto, may have been returned, shall be the proper persons to keep and certify the same.

Clerks, to whom such records of Justices have been returned, to keep, and certify the same.

[Approved March 19, 1821.]

## CHAPTER CIX.

An Act to provide for the safe keeping of Public Records, and for regulating the quality of paper for Books of Public Records.

Each county to have fire-proof building for public records.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That it shall be the duty of the Court of Sessions in each county in this State, to provide a suitable fire-proof building or buildings of brick or stone, where the same has not already been done, for the safe keeping of records, files, papers and documents, which now remain, or shall hereafter accumulate in the offices of the Register of Deeds, Register of Probate and Clerk of the Judicial Courts of this State; which building or buildings shall contain separate fire proof rooms for said offices with suitable alcoves, cases and boxes for preserving the said records, files, papers and documents.

Records to be made on linen paper, &c.

SEC. 2. *Be it further enacted,* That the Records in the offices aforesaid, shall hereafter be made and entered on paper of a firm texture, well glazed and finished, the principal ingredient of which shall be linen.

[Approved January 27, 1821.]