

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

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PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

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BANGOR:  
WHEELER & LYNDE.

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1857.

## CHAPTER 7.

## REGISTER OF DEEDS.

SEC. 1. Present registers to continue during residue of terms.

2. Mode of choice by counties or districts.
3. Same subject. Term of office.
4. Oath and bond.
5. May appoint a clerk. Duties of clerk.
6. Proceedings when no choice is made.
7. Eastern district in Lincoln county.
8. Western district in Oxford county.
9. Northern district in Aroostook county.
10. Clerk of the courts to be register in case of vacancy.
11. When he may appoint a substitute.
12. Substitute to be sworn. Clerk responsible.
13. How vacancies may be filled.
14. Same subject.
15. Removal for misconduct or incapacity.
16. Certificates and records to be completed by the clerk or newly elected register.
17. Quality of paper for records. Index to be made for each volume without charge to the county.
18. Register to minute the time of receiving a deed, and same to be considered recorded at that time, and not to be afterwards altered or withdrawn till fully recorded.
19. Recording attachments.
20. Office to be kept in shire town.

SEC. 1. All registers of deeds now in office shall continue therein during the residue of their terms.

Registers in office continued.

SEC. 2. In each county and in each registry district established by law, there shall be chosen by ballot, by such persons as are qualified to vote for representatives at town meetings, on the second Monday of September in the year one thousand eight hundred and fifty-seven, and every five years thence following, some person to be register of deeds.

R. S., c. 11, § 1. Chosen every five years after September, 1857.

R. S., c. 11, § 2. 1851, c. 215, § 3.

SEC. 3. The meetings for election of register of deeds shall be notified, held, and regulated, and the votes received, sorted, counted, declared, and recorded, in the same manner as votes for representatives, and fair copies of the lists of votes shall be attested by the municipal officers and clerks of towns and sealed up in open town meeting; and the town clerks shall cause them to be delivered into the office of the clerk of the county commissioners on or before the first day of their meeting next after the said month of September, to be by them opened and compared with the like returns from the several towns in such county or registry district; and they shall have the like power to correct any error alleged, as is conferred upon the governor and council by section five, chapter seventy-eight; and the person elected according to the provisions of section twenty-five of chapter four, shall be declared register of deeds for said county or registry district, and hold his office for the term of five years from the first day of January thereafter, and until another is chosen and qualified.

Meetings, when and how held.

Lists of votes to be returned to county commissioners, their proceedings.

R. S., c. 11, § 3. 1856, c. 258.

SEC. 4. He shall be duly sworn and give bond, with sufficient Oath and bond.

CHAP. 7.  
R. S., c. 11, § 4.  
May appoint a  
clerk. Clerk  
to be sworn.  
His duties.  
1852, c. 248.

No choice,  
meetings  
called again.  
R. S., c. 11, § 6.

Eastern dis-  
trict in county  
of Lincoln.  
R. S., c. 11, § 8.

Western dis-  
trict in county  
of Oxford.  
R. S., c. 11, § 9.

Northern dis-  
trict in county  
of Aroostook.  
1845, c. 174, § 1.

In case of  
vacancy clerk  
of courts to be  
register.  
R. S., c. 11,  
§ 10.  
1845, c. 144.

Clerk may  
appoint an  
assistant.  
R. S., c. 11,  
§ 11.

Responsible  
for his doings.  
He is to be  
sworn.  
R. S., c. 11,  
§ 12.

sureties, to the county in the sum of two thousand dollars for the faithful discharge of his duties.

SEC. 5. Each register of deeds may appoint a clerk for whose doings or misdoings he shall be responsible, who shall be duly sworn. In case of the sickness, absence, or any temporary disability of the register, such clerk shall make and sign for him all certificates, and make all entries and minutes required by law to be signed or made by the register, and such certificates, entries, and minutes, shall be as valid as if made by the register.

SEC. 6. When there is no choice of a register of deeds, the county commissioners shall issue their warrants to the municipal officers of the towns in such county, to call meetings of the qualified voters to vote for a register of deeds, and the votes shall be received, sorted, counted, and certified, and the same proceedings had, as mentioned in the third section of this chapter.

SEC. 7. The towns of St. George, Thomaston, Rockland, South Thomaston, Cushing, Friendship, Warren, Union, Washington, Matinicus plantation, and Muscle Ridge island, in the county of Lincoln, shall compose the eastern registry district of Lincoln county, and the register shall keep his office at Thomaston.

SEC. 8. The towns of Hiram, Porter, Brownfield, Denmark, Fryeburg, Sweden, Lovell, Stoneham and Stowe, in the county of Oxford, shall compose the western registry district of Oxford county, and the register shall keep his office at Fryeburg.

SEC. 9. All that part of the county of Aroostook lying north of a line commencing in the north-east corner of township E, in the first range west from the east line of the state; thence west on the south line of said township and the south line of township I, in the second range, to township numbered fourteen in the third range; thence south to the north-east corner of township numbered thirteen in the third range; thence west on the dividing line of townships thirteen and fourteen, to the seventh range line; thence due west to the west line of the state, shall compose the northern registry district of Aroostook county, and the register shall keep his office in Madawaska plantation, in said district.

SEC. 10. In case of vacancy in the office of register and of his clerk in any county or registry district, the clerk of the judicial courts of the same county, being first duly sworn, shall perform all the duties and services required of a register of deeds during such vacancy; shall complete all unfinished business; and be entitled to the same compensation and subject to the like liabilities, as a register of deeds; and his certificate shall have the same effect as if made by the register.

SEC. 11. In any county where there are two or more registry districts, such clerk may appoint some suitable person under him to take the charge and perform the duties of said office, during such vacancy, in the district or districts, in which the registry is not kept in the shire town.

SEC. 12. The person so appointed shall be duly sworn, and said clerk shall be responsible in all cases for his doings.

SEC. 13. For the purpose of supplying such vacancy by a

new election of a register, the chairman of the county commissioners shall issue his warrant to the municipal officers of the towns in said county, or registry district, directing them to convene the qualified voters thereof to choose some suitable person to fill the vacancy.

SEC. 14. The chairman of the commissioners shall make his warrants returnable at a day certain, and notify the other county commissioners to attend at the return day, and they shall then examine the returns made as directed, and the person elected in manner aforesaid, after being duly sworn and having given bond as aforesaid, shall be the register until the time when the register, elected at the next election of registers throughout the state, enters upon the discharge of his duties.

SEC. 15. When on presentment of the grand jury or information of the attorney general to the supreme judicial court, any register of deeds, by default, confession, demurrer, or verdict, after due notice, is found guilty of misconduct in his office, or incapable of discharging its duties, the court shall enter judgment for his removal from office, and issue a writ to the sheriff to take possession of all the books and papers belonging to the office, and deliver them to the clerk of said court, that he may perform the duties of register of deeds in the manner prescribed in the tenth and eleventh sections.

SEC. 16. Such clerk or his substitute, or such newly elected register, shall complete, compare, and certify any unfinished record or certificate required by law to be done; and shall make all requisite certificates upon deeds and other papers recorded, which his predecessor should have done, if such records and certificates had been completed by him, which shall be as effectual in law as if done by his predecessor; for doing this, the minutes made by his predecessor upon such deeds or other papers, and the entries made by him in the books required to be kept for such purposes, shall be sufficient authority. If payment for such services has been made to his predecessor, he shall be paid for them out of the county treasury; and the former register and his sureties shall be liable to refund such payments to the county treasury, to be recovered by suit upon his official bond.

SEC. 17. The records in each registry office shall be made on paper of a firm texture, well sized and finished, the principal ingredient of which is linen. The registers shall make an alphabet to each volume of records without charge to the county.

SEC. 18. Every register shall, at the time of receiving any deed or instrument to be recorded, make a minute thereon of the day, and the time of day, when it was received and filed; and every such deed or instrument shall be considered as recorded at the time such minute is made; and he shall suffer no deed or instrument for the conveyance of real estate to be altered, amended, or withdrawn, until it is fully recorded and examined.

SEC. 19. Every register shall receive all copies of special attachment, made and attested by any officer, of real property situate in the county or district of which he is register; minute on them the time when they are received; keep them on file for

## CHAP. 7.

New choice of register as before.

R. S., c. 11, § 13.

Chairman of county commissioners, duty.

R. S., c. 11, § 14.

Register may be removed for misconduct or incapacity.

When removed, clerk of courts to be register.

R. S., c. 11, § 15.

Records to be completed by a successor in office.

1845, c. 133, c. 144.

Paper of records. Alphabet.

R. S., c. 11, § 16.

1853, c. 40.

Deeds considered to be recorded, when minute made of time of reception.

R. S., c. 11, § 17.

22 Maine, 562.

Attachments, record of them.

R. S., c. 11, § 18.

32 Maine, 180.

## CHAP. 7.

Office kept in  
shire town.  
R. S., c. 11,  
§ 19.

the inspection of parties interested, and enter them in a book kept for that purpose.

SEC. 20. The register of deeds in each county, in which there is but one register, shall keep his office in the shire town of the county.

## CHAPTER 8.

## COUNTY TREASURERS.

- SEC. 1. Present treasurers to continue in office till successors are appointed.
- 2, 3. Time and mode of choice.
4. Oath, bond, and tenure of office.
5. In certain cases to be appointed by the county commissioners.
6. Persons disqualified from holding the office.
7. Of the treasurer's disbursements, accounts and compensation.
8. To enforce county taxes.
- 9, 10. His duty, as to bills of cost against the state.
11. Of his commissions. Balance to be paid to the state treasurer.
12. Penalty for his neglect of duty.
13. Balance to be paid over notwithstanding.
- 14, 15. Annual accounts to be rendered to the governor and council.
16. Account to include commissions.
17. Statement of financial concerns of the county to be published annually.
18. Of duties paid on the admission of attorneys.
19. Registry of all fines and bills of costs.
20. Penalty for neglect to render accounts to the governor and council.
21. Schedules of securities taken for fines, &c., on liberation of poor convicts, to be rendered annually to county commissioners.
22. Copy of sheriff's account to be transmitted to the secretary of state annually.
23. Treasurer's account to be delivered by him at close of year to clerk of county commissioners, to be by him transmitted to the secretary of state, with the county estimates.
24. To account for money or effects of the county, annually, to county commissioners.
25. Expenses of keeping poor convicts in prison, as allowed by county commissioners, to be charged state treasurer.
26. Treasurer to account for money received of the United States for use of jails.

Treasurers  
continued in  
office.  
R. S., c. 12, § 1.  
Chosen annu-  
ally.  
R. S., c. 12, § 2.

SEC. 1. Each county treasurer now in office shall continue to hold it till his successor is appointed, or chosen, and qualified according to law.

Meetings for  
choice, when  
and how held.  
R. S., c. 12, § 3.

SEC. 2. In each county there shall be annually chosen on the second Monday of September by the ballots of such persons, as are by the constitution authorized to vote for representatives, some person resident in such county for a county treasurer.

Oath, bond,  
tenure of of-  
fice.  
R. S., c. 12, § 4.

SEC. 3. The meetings for their election shall be notified, held, and all proceedings therein regulated, returns made, and proceedings thereon had, as provided in section three of chapter seven, for the election of register of deeds.

SEC. 4. The person so elected and accepting shall be duly sworn before the county commissioners of his county, or two justices of the peace, and give bond to the county for the faithful discharge of his duties in such sum, as the commissioners