

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAP. 7.

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. Vacancies how filled.
6. May appoint a clerk. Duties of clerk.
7. Western district in Oxford county.
8. Northern district in Aroostook county.
9. Clerk of the courts to be register in case of vacancy.
10. When he may appoint a substitute.
11. Substitute to be sworn. Clerk responsible.
12. Removal for misconduct or incapacity.
13. Certificates and records to be completed by the clerk or newly elected register.
14. Quality of paper for records. Index to be made for each volume without charge to the county.
15. Register to minute the time for receiving a deed, and same to be considered recorded at that time, and not to be afterwards altered or withdrawn till fully recorded.
16. Recording attachments.
17. Office to be kept in shire town.

Registers in office continued.

R. S. c. 7, § 1.

Chosen every five years after September, 1872.

50 Me. 245.

R. S. c. 7, § 2.

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

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 seventy-two and every five years thence following, some person to be register of deeds.

Meetings, when and how held.

R. S. c. 7, § 3.

1864, c. 278,

§ 12.

25 Me. 567.

Lists of votes to be delivered into office of secretary of state. Governor and council shall examine lists of votes.

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 secretary of state within thirty days next succeeding any meeting for their election. And the governor and council shall, during the first week in December following, open and examine the same, and also the lists of votes of citizens in the military service returned to said office under the provisions of the law in that behalf. They shall have the same power to correct errors as is conferred by section five of chapter seventy-eight; and during said first week in December they shall issue certificates of election to such persons as have a

May correct errors.

plurality of all the votes for each county or registry district; and the person thus elected, and having given the bond required in section four, duly approved by the county commissioners, shall hold his office for the term of five years from the first day of January thereafter and until another shall be chosen and qualified.

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Issue certificates of election.

Term of office.

SEC. 4. He shall be duly sworn and give bond, with sufficient sureties, to the county in the sum of two thousand dollars for the faithful discharge of his duties.

Oath and bond.

R. S. c. 7, § 4.

SEC. 5. Vacancies occurring in said office by death, resignation or otherwise, shall be filled by election in manner aforesaid, at the September election next after their occurrence; and in the meantime the governor, with the advice and consent of the council, may fill said vacancies by appointment, and the person so appointed shall hold his office until the first day of January thereafter.

Vacancies how filled.

1864, c. 278, § 13.

SEC. 6. 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.

May appoint a clerk. Clerk to be sworn.

His duties. R. S. c. 7, § 5.

SEC. 7. 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.

Western district in county of Oxford.

R. S. c. 7, § 8.

SEC. 8. All that part of the county of Aroostook lying north of a line commencing in the south-east corner of township F, 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 K, in the second range, to township numbered fifteen 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 north to the north-east corner of township numbered thirteen in the eighth range, thence 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 the town of Madawaska, in said district.

Northern district in county of Aroostook.

1858, c. 5. 1870, c. 129, § 1.

SEC. 9. 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 regis-

In case of vacancy, clerk of courts to be register.

R. S. c. 7, § 10.

CHAP. 7. ter of deeds; and his certificate shall have the same effect as if made by the register.

Clerk may appoint an assistant.
R. S. c. 7, § 11.

SEC. 10. 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.

To be sworn.
R. S. c. 7, § 12.

SEC. 11. The person so appointed shall be duly sworn, and said clerk shall be responsible in all cases for his doings.

Register may be removed for misconduct or incapacity.

SEC. 12. 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 ninth and tenth sections.

When removed, clerk of courts to be register.
R. S. c. 7, § 15.

Records to be completed by a successor in office.
R. S. c. 7, § 16.

SEC. 13. Such clerk or his substitute, or the newly appointed or 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 surties shall be liable to refund such payments to the county treasury, to be recovered by suit upon his official bond.

Paper of records.
Alphabet.
R. S. c. 7, § 17.

SEC. 14. 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.

Deeds considered to be recorded, when minute made of time of reception.
R. S. c. 7, § 18.
33 Me. 370.
35 Me. 556.
42 Me. 339.

SEC. 15. 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. 16. Every register shall receive all copies of special at-

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

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Attachments,
record of them.
R. S. c. 7, § 19.

SEC. 17. 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.

Office kept in
shire town.
R. S. c. 7, § 20.

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. His duty, as to bills of cost against the state.
 10. Statement of financial concerns of the county to be published annually.
 11. Of duties paid on the admission of attorneys.
 12. Registry of all fines and bills of costs.
 13. Schedules of securities taken for fines, &c., on liberation of poor convicts, to be rendered annually to county commissioners.
 14. Copy of sheriff's account to be transmitted to the secretary of state annually.
 15. 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.
 16. To account for money or effects of the county, annually, to county commissioners.
 17. Expenses of keeping poor convicts in prison, as allowed by county commissioners, to be charged state treasurer.
 18. Treasurer to account for money received of the United States for use of jails.

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.

Treasurers
continued in
office.
R. S. c. 8, § 1.

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.

Chosen annu-
ally.
R. S. c. 8, § 2.

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, and the governor and council shall forth-

Meetings for
choice, when
and how held.
R. S. c. 8, § 3.
Governor and
council to no-