

# MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

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BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
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**ERRATA:**

**The following two leaves are  
inserted because one or more pages  
in this chapter have errors  
noticed and corrected here.**

# ERRORS.

## ERROR IN THE TEXT OF THE REVISED STATUTES.

Page 63, § 3, line one.—Erase the last word “may.”

## ERROR IN THE TEXT OF THE REPEALING ACT.

Page 999.—Transfer “Chapter 48, Section 6, of an act to facilitate the prompt administration of justice by establishing a superior court in Kennebec County,” from the year 1879 to 1878.

## ERROR IN THE COMMISSIONER’S NOTES.

Pages 177, 178.—Erase the last two lines of page 177, and the first three lines of page 178.

## ERRORS IN THE MARGINAL REFERENCES.

- Page 59, § 6, ¶ xx.—Erase “*R. S.*, c. 1, ¶ xx”, and supply, at the bottom of the page, “*R. S.*, c. 1, § 4”
- “ 66, § 24.—Erase “*Resolve of 1837, c. 52.*”
- “ 69, § 44.—Supply “*Resolve of 1840, c. 107.*”
- “ 72, § 68.—Erase “*See c. 6, §§ 40-67.*”
- “ “ § 70.—Erase “*R. S.*, c. 2, § 66.”
- “ 79, § 12, (note b).—“*See c. 18, § 73*” should read “*See c. 18, § 75.*”  
“*See c. 30, § 15*” should read “*See c. 30, § 16.*”
- “ “ § 14.—Supply “*See c. 18, § 75.*”
- “ 83, § 40.—“*R. S.*, c. 3, § 34” should read “*R. S.*, c. 3, § 33.”
- “ 84, § 46.—“*See c. 18, § 67*” should read “*See c. 18, § 59.*”
- “ 86, § 59, ¶ i, (note b).—“*See c. 17, §§ 25-29*” should read “*See c. 17, §§ 27, 28.*”
- “ “ “ ¶ vi, (note e).—“*See c. 18, § 15*” should read “*See c. 18, § 17.*”
- “ 92, note.—“*c. 18, §§ 39, 103*” should read “*c. 18, §§ 39, 97.*”
- “ 97, § 16.—Erase “*R. S.*, c. 4, § 16.”
- “ 108, § 86.—“*Art. ii, § 2*” should read “*Art. ii, § 1, ¶ 2.*”
- “ 117, § 28.—Erase the first reference to “1878, c. 31, § 1.” Also erase “*R. S.*, c. 5, § 26.”
- “ 176, § 27.—“*Resolve of 1883, c. 20*” should read “*Resolve of 1883, c. 86.*”
- “ 183, § 5.—“*See § 93, ¶ 6*” should read “*See § 93, ¶ v.*”
- “ 202, § 102.—“1883, c. 229” should read “*See c. 115, § 1.*”
- “ 209, § 1.—Supply “1880, c. 215.”
- “ 210, § 7.—Supply “1880, c. 215.”
- “ 249, § 44.—“1875, c. 25, § 6” should read “1875, c. 25, § 6.”
- “ 270, § 16.—Supply “1880, c. 215.”
- “ 330, § 26.—“*See c. 40, § 77*” should read “*See c. 40, § 74.*”
- “ “ § 28.—“*See c. 40, § 38*” should read “*See c. 40, §§ 33, 40.*”
- “ 374, § 23.—“*See § 17*” should read “1880, c. 234, § 1.”
- “ 384, § 74.—Add “1883, c. 138, § 3.”  
“1883, c. 144, § 4.”
- “ 506, § 1.—Supply “*See 1880, c. 215.*”
- “ 642, § 80, bottom of the page.—Supply “1878, c. 48, § 6.”
- “ 709, § 105.—“*See c. 134, § 13*” should read “*See c. 134, § 19.*”
- “ 773, § 42.—Supply “1883, c. 198, § 2.”
- “ 804, § 35.—“*See c. 134, § 26*” should read “*c. 134, § 26.*”
- “ 861, § 1.—“*R. S.*, c. 2, § 20,” } should read “1883, c. 221.”  
“*R. S.*, c. 115, § 1.” }
- “ 862, § 4.—“*See c. 63, §§ 32 to 39*” should read “*See c. 63, § 35.*”

## ERRORS IN CITATIONS OF CASES.

- Page 10, § 8, ¶ iii, (note c).—"14 *Pet.*, 504" should read "14 *Pet.*, 540."  
 " 16, § 1, (note b).—"10 *Me.*, 483" should read "10 *Me.*, 283."  
 " 78, § 5, (note a).—"13 *Me.*, 472, 489" should read "13 *Me.*, 472."  
 " " § 7, (note b).—"12 *Me.*, 589" should read "12 *Me.*, 489."  
 " 147, § 97.—"58 *Me.*, 528" should read "58 *Me.*, 532."  
 " 166, § 1.—"64 *Me.*, 549" should read "64 *Me.*, 599."  
 " 200, § 93, ¶ iv.—Erase "20 *Me.*, 545."  
 " 211, § 19.—"3 *Me.*, 347" should read "3 *Me.*, 249."  
 " 241, § 5, (note b).—"68 *Me.*, 28" should read "63 *Me.*, 28."  
 " 257, § 80, (note a), Construction of ways.—"26 *Me.*, 340" should read "26 *Me.*, 240."  
 " 397, § 1, (note a).—Erase "66 *Me.*, 526."  
 " 521, § 2, (note a).—Erase "60 *Me.*, 377."  
 " " § 9.—Erase "60 *Me.*, 533."  
 " 563, § 10.—"31 *Me.*, 286" should read "31 *Me.*, 254."  
 " 597, § 23.—"4 *Me.*, 19" should read "4 *Me.*, 8."  
 " 705, § 78.—"43 *Me.*, 438" should read "48 *Me.*, 438."  
 " 728, § 12.—Erase "68 *Me.*, 30."  
 " 750, § 5.—Erase "20 *Me.*, 325."  
 " 765, § 1, (note a).—Erase "73 *Me.*, 228."  
 " 814, § 19, (note c).—Erase "71 *Me.*, 543."  
 " 817, § 8, (note b).—"27 *Me.*, 363" should read "27 *Me.*, 362."  
 " 885, § 1.—Erase "62 *Me.*, 285."  
 " 886, § 8.—"36 *Me.*, 225" should read "36 *Me.*, 227."  
 " 933, § 4.—"34 *Me.*, 478" should read "39 *Me.*, 478."

## OMISSION IN REFERENCE INDEX TABLE, PART I.

Page 1060.—Supply "1878, c. 48, § 6," with a reference to "R. S., c. 77, § 80."

## CHAP. 7.

## CHAPTER 7.

## REGISTER OF DEEDS.

- SEC. 1. Election years, mode of choice by counties or districts.  
 2. Same subject. Term of office.  
 3. Oath and bond.  
 4. Vacancies, how filled.  
 5. May appoint a clerk. Duties of clerk.  
 6. Western district in Oxford county.  
 7. Northern district in Aroostook county.  
 8. Clerk of the courts to be register in case of vacancy.  
 9. When he may appoint a substitute.  
 10. Substitute to be sworn. Clerk responsible.  
 11. Removal for misconduct or incapacity.  
 12. Certificates and records to be completed by the clerk or newly elected register, or by his successors during five years.  
 13. Conditions and requisites of such certificates.  
 14. Quality of paper for records. Alphabet to be made for each volume without charge to the county. Ledger indexes required. Proviso.  
 15. Register to minute the time of receiving a deed, which is to be considered recorded at that time, and must not thereafter be altered, nor withdrawn until fully recorded.  
 16. Recording seizures on execution and attachments.  
 17. Office to be kept in shire town.

Chosen every four years.  
 R. S., c. 7, § 2.  
 1880, c. 239, § 24.  
 50 Me., 245.  
 64 Me., 549.

Election, how and when held.

1877, c. 175.  
 25 Me., 568.  
 64 Me., 599.

—lists of votes to be delivered into office of secretary of state.

—governor and council to examine lists of votes, by December first.

Sec c. 4, §§ 101-104.

—may correct errors.  
 —shall issue certificates of election.

—tenure of office.

1880, c. 239, § 23.

Oath and bond.

R. S., c. 7, § 4.

Vacancies, how filled.  
 R. S., c. 7, § 5.

SEC. 1. In each county and in each registry district a register of deeds shall be chosen by ballot, by persons qualified to vote for representatives at town meetings, on the second Monday of September eighteen hundred and eighty-two and every four years thereafter.

SEC. 2. The meetings for such election 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 town clerks shall cause them to be delivered into the office of the secretary of state within thirty days next succeeding such meeting. The governor and council shall, by the first day of December following, open and examine the same, and the lists of votes of citizens in the military service returned to said office. They have the same power to correct errors as is conferred by section five of chapter seventy-eight; and they shall, forthwith, issue certificates of election to such persons as have a plurality of all the votes for each county or registry district; and the person thus elected, and giving the bond required in the following section, approved by the county commissioners, shall hold his office for four years from the first day of the next January and until another is chosen and qualified.

SEC. 3. He shall be sworn and shall give bond, with sufficient sureties, to the county, in the sum of two thousand dollars for the faithful discharge of his duties.

SEC. 4. Vacancies shall be filled by election in manner aforesaid, at the next September election after their occurrence; and in the mean time

the governor, with the advice and consent of council, may fill vacancies by appointment, and the person so appointed shall hold his office until the first day of January, next after the election last mentioned.

SEC. 5. Each register may appoint a clerk for whose doings and misdoings he shall be responsible, who shall be sworn. In case of 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 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. The towns of Hiram, Porter, Brownfield, Denmark, Fryeburg, Sweden, Lovell, Stoneham and Stowe, in the county of Oxford, compose the western registry district of Oxford county, and the register shall keep his office at Fryeburg.

SEC. 7. All that part of the county of Aroostook lying north of a line commencing at the southeast 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 northeast 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 northeast corner of township numbered thirteen in the eighth range, thence west to the west line of the state, compose the northern registry district of Aroostook county, and the register shall keep his office in the town of Madawaska.

SEC. 8. 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 sworn, shall perform all duties and services required of a register of deeds, during such vacancy; complete all unfinished business; receive the same compensation and be subject to the same liabilities as a register of deeds; and his certificate shall have the same effect as if made by the register.

SEC. 9. In any county where there are two or more registry districts, such clerk may appoint some suitable person under him to take 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. 10. The person so appointed shall be sworn, and said clerk shall be responsible in all cases for his doings.

SEC. 11. When on presentment of the grand jury or information of the attorney general to the supreme judicial or superior 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 thereto, and deliver them to the clerk of said court, that he may perform the duties of register as prescribed in sections eight and nine.

SEC. 12. Such clerk or his substitute, or the newly appointed or elected register, or any successor within five years after the original vacancy occurred, shall complete, compare and certify any unfinished

## CHAP. 7.

64 Me., 599,  
600.May appoint  
a clerk.  
—clerk's  
oath and  
duties.  
R. S., c. 7, § 6.Western district in county of Oxford.  
R. S., c. 7, § 7.Northern district in county of Aroostook.  
R. S., c. 7, § 8.In case of vacancy, clerk of courts to be register.  
R. S., c. 7, § 9.  
See Constitution, art. ix, § 2.Clerk may appoint an assistant.  
R. S., c. 7, § 10.To be sworn.  
R.S., c. 7, § 11.Register may be removed for misconduct or incapacity.  
R. S., c. 7, § 12.  
60 Me., 66.

—when removed, clerk of courts to be register.

Register's successors may complete records.

CHAP. 7.  
R.S., c. 7, § 13.  
1874, c. 199, § 2.  
—and grant  
certificates.

record or certificate required by law; and make all requisite certificates upon deeds and other papers recorded, which his removed predecessor should have done if such records and certificates had been completed by him, which certificates shall be as effectual in law as if made 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 refund such payments to the county treasury, to be recovered by suit upon his official bond.

Certificates,  
conditions  
and requi-  
sites of.  
1874, c. 199, § 3.

SEC. 13. No such certificate shall be made, except upon comparison of the original instrument with the record thereof, by the register making the certificate, and such certificate shall state the date when it was made, the fact of comparison, and the date when the original instrument was left for record; but shall be only prima facie evidence of the last fact.

Linen paper  
for records.  
R.S., c. 7, § 14.  
—alphabet.

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. County commissioners shall make all additional volumes of index for registries of deeds, in the form known as ledger index, so that the same surnames shall be recorded together in each volume of index, and shall change all volumes of index, in the several registries of deeds, to said form, by March ten, eighteen hundred and eighty-four; *provided, however*, that the county commissioners of the county of Lincoln are not obliged to change such indexes for any volumes of records completed before January one, eighteen hundred and sixty.

—ledger  
indexes,  
required.  
1883, c. 201.  
66 Me., 306.  
—proviso.

SEC. 15. Every register shall, at the time of receiving any deed or instrument for record, minute thereon the day and the time of day when it was received and filed; every such paper shall be considered as recorded at the time when 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.

Deeds consid-  
ered record-  
ed when min-  
ute of time of  
reception is  
made.  
R.S., c. 7, § 15.  
33 Me., 375.  
35 Me., 557.  
42 Me., 341.

SEC. 16. Registers shall receive all copies of seizures on execution, and special attachment made and attested by any officer, of real property situate in the county or district of which he is register, and copies of portions of wills, devising real estate so situate; and minute on them the time when they are received; also certificates of advertised stallions, and copies of processes against domestic corporations filed for service by officers in his registry, keep them on file for the inspection of parties interested, and enter them in suitable books, properly indexed.

Seizures and  
attachments,  
wills, certifi-  
cates, &c.,  
record of.  
1880, c. 241, § 2.  
1874, c. 186, § 1.  
1873, c. 135, § 1.  
1880, c. 192, § 2.  
See c. 38, § 61;  
c. 81, § 20;  
c. 116, § 21.

Office in  
shire town.  
R.S., c. 7, § 17.

SEC. 17. The register of deeds in each county in which there is but one register, shall keep his office in the shire town.