

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 92.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT providing that a party in possession of real property may petition to compel supposed claimant of such property to bring action to try his title.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. Any person in possession of real
2 property, claiming an estate of freehold therein or
3 an unexpired term of not less than ten years, may
4 file a petition in the supreme judicial court, setting
5 forth his estate, whether of inheritance, for life, or
6 for years, describing the premises, averring that he
7 is credibly informed and believes that some person
8 or persons named in the petition make some claim
9 adverse to his estate, and praying that such person
10 or persons may be summoned to show cause why

11 they should not bring an action to try their alleged
12 title. A person who is in the enjoyment of an
13 easement shall be held to be in possession of real
14 property within the meaning and for the purposes
15 of this section.

SECT. 2. Upon such petition the court shall
2 order notice to be given to the supposed claimants,
3 returnable at a court to be holden in the county
4 where the property, or some portion of it lies, and
5 if upon return of the order of notice duly executed
6 they make default, or, having appeared, disobey the
7 lawful order of the court to bring an action and try
8 their title, the court shall enter a decree that they
9 be forever debarred and estopped from having or
10 claiming any right or title, adverse to the petitioner,
11 in the premises described. If the petitioner pre-
12 fers, the petition may be inserted like a declaration
13 in a writ, and served by copy like a writ of origi-
14 nal summons. If the persons so summoned appear
15 and disclaim all right and title adverse to the
16 petitioner, they shall recover their costs. If they
17 claim title they shall by answer show cause why
18 they should not be required to bring an action and
19 try such title; and the court shall make such decree
20 respecting the bringing and prosecuting of such
21 action as may seem equitable and just.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES.)
February 14, 1883.)

Reported by Mr. THOMPSON, from the Committee on Legal
Affairs, and ordered printed.

ORAMANDAL SMITH, *Clerk.*