

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.

CHAPTER 105.

LIMITATION OF REAL ACTIONS, AND RIGHTS OF ENTRY.

- SEC. 1. Rights of entry and of action barred in twenty years.
2. From what time right begins to run.
 - 3, 4, 5. When such right shall be deemed to accrue.
 6. When an action may be brought by a minister, or other sole corporation.
 7. Saving in favor of infants, and certain other disabled persons.
 8. Further saving, if the person first entitled dies during such disability.
 9. Consequence, if tenant in tail or remainder man dies before the expiration of the limitation.
 10. What shall constitute such a disseizin as to bar the right of recovery.
 11. Limitation of actions by the state.
 12. Limitation not to take effect in certain cases, where the first suit fails.
 13. Right of way, or other easement, acquired by adverse user; the owner, by notice, may prevent such acquisition.
 14. How such notice is to be given.
 15. No real or mixed action, for the recovery of land, to be maintained, when the tenant, and those under whom he claims, have been in possession over forty years.

SEC. 1. No person shall commence any real or mixed action for the recovery of lands, or make an entry thereon, unless within twenty years after the right to do so first accrued; or unless within twenty years after he, or those under whom he claims, were seized or possessed of the premises; except as hereinafter provided.

SEC. 2. If such right or title first accrued to an ancestor, predecessor, or other person under whom the demandant claims, said twenty years shall be computed from the time when the right or title first accrued to such ancestor, predecessor or other person.

SEC. 3. The right of entry, or of action to recover land, as used in this chapter, first accrues at the times hereinafter mentioned.

First.—When a person is disseized, at the time of such disseizin.

Second.—When he claims as heir or devisee of one who died seized, at the time of such death, unless there is a tenancy by the curtesy or other estate intervening after the death of the ancestor or deviser; in that case, his right accrues when such intermediate estate expires, or would expire by its own limitation.

Third.—When there is such an intermediate estate, and in all cases, when the party claims by force of any remainder or reversion, his right accrues when the intermediate estate would expire by its own limitation, notwithstanding any forfeiture thereof for which he might enter at an earlier time.

Rights of entry and action barred in twenty years.
R. S. c. 105, § 1.
1858, c. 18.
20 Me. 205.
21 Me. 201.
25 Me. 468.
35 Me. 456.
From what time right begins to run.
R. S. c. 105, § 2.
14 Me. 163.
21 Me. 372.
When such right shall be deemed to accrue.
R. S. c. 105, § 3.

CHAP. 105.

Preceding clause shall not prevent any person from entering for condition broken.

R. S. c. 105, § 4.
In all cases not specially provided for.

R. S. c. 105, § 5.

When an action may be brought by a minister, or other sole corporation.

R. S. c. 105, § 6.

Saving in favor of minors and other disabled persons.
R. S. c. 105, § 7.
13 Me. 397.

Further saving, if the person first entitled dies during such disability.
R. S. c. 105, § 8.

Consequence, if tenant in tail or remainder man dies before the expiration of the limitation.
R. S. c. 105, § 9.

What shall constitute a disseizin to bar right of recovery.
R. S. c. 105, § 10.
13 Me. 131.
29 Me. 128.

SEC. 4. The preceding clause shall not prevent any person from entering, when so entitled by reason of any forfeiture or breach of condition; but if he claims under such a title, his right accrues when the forfeiture was incurred, or the condition broken.

SEC. 5. In all cases not otherwise provided for, the right of entry accrues when the claimant, or the person under whom he claims, first became entitled to the possession of the premises, under the title on which the entry or action is founded.

SEC. 6. If a minister, or other sole corporation is disseized, any of his successors may enter upon the premises or bring an action for their recovery, at any time within five years after the death, resignation, or removal of the person disseized, notwithstanding twenty years after disseizin have expired.

SEC. 7. When such right of entry or action first accrues, if the person thereto entitled is a minor, married woman, insane, imprisoned, or absent from the United States, he, or any one claiming under him, may make the entry or bring the action at any time within ten years after such disability is removed, notwithstanding twenty years have expired.

SEC. 8. If the person first entitled to make the entry or bring the action dies during the continuance of the disability, and no determination or judgment has been had on his title or right of action, the entry may be made or action brought by his heirs, or other person claiming under him, at any time within ten years after his death, notwithstanding the twenty years have elapsed; but no such further time for bringing the action or making the entry, beyond what is hereinbefore prescribed, shall be allowed by reason of the disability of any other person.

SEC. 9. When a tenant in tail, or a remainder man in tail, dies before the expiration of the period herein before limited for making any entry or bringing an action for lands, no person, claiming any estate which such tenant in tail or remainder man might have barred, shall make an entry or bring an action to recover such land, except within the period during which the tenant in tail or remainder man, if he had so long lived, might have done it.

SEC. 10. To constitute a disseizin, or such exclusive and adverse possession of lands as to bar or limit the right of the true owner thereof to recover them, it shall not be necessary for such lands to be surrounded with fences or rendered inaccessible by water; but it shall be sufficient, if the possession, occupation, and improvement are open, notorious, and comporting with the ordinary management of a farm; although that part of the same, which composes the woodland belonging to such farm and used therewith as a woodlot, is not so enclosed.

SEC. 11. No real or mixed action for the recovery of any lands shall be commenced in behalf of the state, unless within twenty years after the time its title accrues.

CHAP. 105.

Limitation of real or mixed actions by the state.
R. S. c. 105, § 11.

SEC. 12. When a writ in real or mixed action fails of sufficient service or return by unavoidable cause, or by the default or negligence of any officer to whom it was delivered or directed for service, the writ is abated; the action defeated for any matter of form, or by the death or other disability of either party; or the demandant's judgment is reversed on writ of error, the demandant may commence a new action at any time within six months after the abatement or determination of the first suit, or the reversal of the judgment.

Limitation to take effect in certain cases, when first suit fails.
R. S. c. 105, § 12.

SEC. 13. No person shall acquire a right of way, or other easement from, in, upon, or over, the land of another by the adverse use and enjoyment thereof, unless it is continued uninterrupted for twenty years; and the owner of such land, to prevent such right, may give notice, in writing, to the person claiming it, of his intention to contest such right or easement, which, being served and recorded as herein-after stated, shall be deemed an interruption of such use, and prevent the acquisition of a right thereto.

Right of way, or other easement, acquired by adverse use, and how prevented.
R. S. c. 105, § 13.

SEC. 14. Such notice may be given by the agent or guardian of the owner of the land, or by an officer, by giving to the claimant, his agent, or guardian, if in the state, an attested copy thereof, or by leaving it at his dwelling house, or, if not in the state, a copy may be left with the tenant or occupant of the estate, if any; if not, such copy shall be affixed to the house or a conspicuous part of the premises. The officer shall make his return on the original notice; and the whole shall be recorded in the registry of deeds in the registry district where the land lies, within three months from the time of such service.

How such notice is to be given.
R. S. c. 105, § 14.

SEC. 15. No real or mixed action, for the recovery of any lands, shall be commenced or maintained against any person in possession thereof, when such person or those under whom he claims have been in actual possession for more than forty years, claiming to hold them by adverse, open, peaceable, notorious, and exclusive possession, in their own right.

No real or mixed action, for the recovery of land, after 40 years possession.
R. S. c. 105, § 15.