

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1963 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 4

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**Discard Previous Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1963

the third sentence by deleting "within the state" following "process" and substituting "action" for "suit" and "for" for "of" preceding "any such defendant." **Effective date of 1959 amendment.**—See note to § 1.

**Sec. 54. Proceedings in court.**—After all the defendants have been served with process or notified as provided in the preceding section, and after the appointment of an agent, guardian ad litem or next friend, if such appointment has been made, the court may proceed as though all the defendants had been actually served with process. Such action shall be a proceeding in rem against the land, and a decree establishing or declaring the validity, nature or extent of the plaintiff's title may be entered, and shall operate directly on the land and shall have the force of a release made by or on behalf of all defendants of all claims inconsistent with the title established or declared thereby. The provisions of this and the 2 preceding sections shall not prevent the court from also exercising jurisdiction in personam against the defendants who have been actually served with process and who are personally amenable to its decrees. (R. S. c. 158, § 54. 1961, c. 317, § 570.)

**Effect of amendment.**—The 1961 amendment substituted "action" for "suit" near the beginning of the second sentence of this section. **Applied in** *McCarty v. Greenlawn Cemetery Ass'n*, 158 Me. 388, 185 A. (2d) 127.

**Sec. 55. Action by owners of wild land.**—Any person or persons claiming an estate of freehold in wild lands or in an interest in common and undivided therein, if the plaintiff and those under whom he claims has for 4 years next prior to the filing of the complaint held such open, exclusive, peaceable, continuous and adverse possession thereof as comports with the ordinary management of wild lands in this state, may maintain an action to quiet or establish the title thereto or to remove a cloud from the title thereto, as provided in sections 52 to 54. (R. S. c. 158, § 55. 1959, c. 317, § 357.)

**Effect of amendment.**—The 1959 amendment substituted "complaint" for "bill," "an action" for "a suit in equity" and "sections 52 to 54" for "the 3 preceding sections." **Effective date of 1959 amendment.**—See note to § 1.

## Chapter 173.

### Inquest of Office and Information for Intrusion.

**Sec. 3. State may maintain action; service.**—The state may maintain an action against the person stated as holding the lands under such grant, returnable to said court, which shall be served 30 days before the return day. (R. S. c. 159, § 3. 1961, c. 317, § 571.)

**Effect of amendment.**—The 1961 amendment substituted "The state may maintain an action" for "The court shall issue a scire facias" at the beginning of this section.

**Sec. 14. Defendant may hold by title subsequently acquired.**—If it is found that the defendant was not the legal owner of such estate nor had any right as tenant or agent when the process was commenced against him, but afterward acquired a good title, or became tenant or agent, the attorney general shall cease further to prosecute the action; but when the defendant proves no such title to the estate as owner or interest therein as tenant or agent, judgment shall be rendered that the state be seized thereof, and recover rents and profits as in a civil action between private persons. (R. S. c. 159, § 14. 1961, c. 317, § 572.)

**Effect of amendment.**—The 1961 amendment substituted “action” for “suit” near the middle of this section and substituted

“a civil action” for “case of a writ of entry” near the end of the section.

**Sec. 17. Betterments obtained.**—For the purpose of ascertaining the amount of such improvements, the attorney general or the tenant or grantee of the estate may file a complaint in the superior court for recovering the same. Proceedings shall be had thereon as in other civil actions to ascertain and adjust the amount. (R. S. c. 159, § 17. 1961, c. 317, § 573.)

**Effect of amendment.**—The 1961 amendment divided this section into two sentences, substituted “complaint” for “bill in equity in the supreme judicial court or” in

the present first sentence and substituted “civil actions” for “cases in equity” in the present second sentence.

## Chapter 174.

### Limitations of Real Actions. Rights of Entry.

**Sec. 2. When right shall begin to run.**—If such right or title first accrued to an ancestor, predecessor or other person under whom the plaintiff claims, said 20 years shall be computed from the time when the right or title first accrued to such ancestor, predecessor or other person. (R. S. c. 160, § 2. 1961, c. 317, § 574.)

**Effect of amendment.**—The 1961 amendment substituted “plaintiff” for “demandant” in this section.

**Sec. 11. Limitation not to take effect in certain cases, when first action fails.**—If the summons and complaint in a real or mixed action fails of sufficient service or return by unavoidable cause, or if by the default or negligence of any officer to whom it was delivered or directed for service, the action is dismissed; or if the action is defeated for any matter of form or by the death or other disability of either party, or if the plaintiff’s judgment is reversed on appeal, the plaintiff may commence a new action at any time within 6 months after the determination of the first action or the reversal of the judgment. (R. S. c. 160, § 11. 1961, c. 317, § 575; c. 417, § 184.)

**Effect of amendments.**—The first 1961 amendment substituted “the summons and complaint” for “a writ” near the beginning of this section, substituted “action is dismissed” for “writ is abated” near the middle of the section, substituted “plaintiff’s” for “demandant’s” and “appeal, the plain-

tiff” for “writ of error, the demandant” below the middle of the section and substituted “action” for “suit” near the end of the section. The second 1961 amendment deleted “abatement or” preceding “determination” near the end of the section.

**Sec. 14. Trespassers on wild lands; notice to quit; return and record; roads privately owned in unorganized territory.**

In roads privately owned in unorganized territory notwithstanding the other provisions of this chapter, no title or interest shall be acquired against the owners thereof by adverse possession, prescription or acquiescence, however exclusive or long continued.

(1961, c. 165.)

**Effect of amendment.**—The 1961 amendment added the paragraph set out above as the second paragraph of this section.

As the first paragraph was not affected by the amendment, it is not set out.

**Sec. 16. Limitations of actions for uncultivated lands in incorporated places.**

**Adverse possession, to create title, does not consist alone of mental intentions, but**

must also be based on the existence of physical facts which openly evince a pur-