

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE  
1954

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1957 CUMULATIVE SUPPLEMENT

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1957

### Proceedings at Law to Quiet Title.

#### Sec. 48. Summary proceedings to quiet title to real estate.

**Concurrent remedies.**—Proceedings to quiet title may be brought either at law under the provisions of §§ 48 to 51, inclusive, of this chapter, or in equity under the provisions of §§ 52 to 55, inclusive. The remedies are concurrent and

the mere fact that an alternative remedy at law is provided does not defeat equity jurisdiction in this instance. *Socec v. Maine Turnpike Authority*, 152 Me. 326, 129 A. (2d) 212.

### Proceedings in Equity to Quiet Title.

The fact that a concurrent remedy at law exists, etc.

In accord with 1st paragraph in origi-

nal. See *Socec v. Maine Turnpike Authority*, 152 Me. 326, 129 A. (2d) 212.

## Chapter 176.

### Partition of Real Estate.

#### Sec. 13. Commissioners appointed.

**Commissioners decide questions relating to valuation and division of land.**—The legislature has placed in the commissioners, and not in the court, the responsibility

for deciding questions relating to the valuation and division of real estate. *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

#### Sec. 21. Report; judgment; effect.

The court may confirm, recommit, or set aside, but may not alter or change the report. The final decision upon the partition must come from the commissioners. *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

for partition. *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

**Report set aside or recommitted for bias, prejudice or gross error.**—If the commissioners reach their result through bias or prejudice, or gross error clearly and unmistakably shown, the report should be set aside or recommitted. *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

**Grounds for objection to confirmation.**—The report is not final. Commissioners must follow the warrant, and failure so to do is good ground for objection to the confirmation of the report. There must be no irregularities in procedure. Examples are: lack of proper notice by the commissioners; the report not showing equal division as to value; and the appraisal of a building by commissioners when the duty to appraise was not included in the judgment

**Unequal allotments.**—The action of commissioners in partition will not be set aside on the ground of unequal allotments except in extreme cases. *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

**Evidence to be considered by court in passing on objections.**—See *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

## Chapter 178.

### Mortgages of Personal Property. Liens. Pledges.

#### Liens on Buildings and Lots, Wharves and Piers.

#### Sec. 34. Liens on buildings and lots for labor and materials.

##### I. GENERAL CONSIDERATION.

**A lien is given upon the ground, etc.**

In accord with original. See *Bangor Roofing & Sheet Metal Co. v. Robbins Plumbing Co.*, 151 Me. 145, 116 A. (2d) 664.

**Extent of lien generally.**—When this section speaks of securing "payment thereof" it refers to the debt created by the acts of the parties. When by express contract the parties fix the compensation to be paid for full and complete perform-