

# MAINE STATE LEGISLATURE

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# FORTY-NINTH LEGISLATURE.

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HOUSE.

No. 53.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

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AN ACT additional to chapter eighty-two of the revised statutes, relating to proceedings in court.

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

SECTION 1. In an action for a breach of covenant  
2 against incumbrances contained in a deed of real es-  
3 tate, when the incumbrance is a right of dower, if  
4 such dower has been assigned and not released, the  
5 value thereof shall be the measure of damages ; but if  
6 it has not been assigned, on application of the plain-  
7 tiff, the court shall cite the claimant of dower into  
8 court ; if she does not appear, the right of dower shall  
9 be forever barred ; if she does appear and refuses to  
10 release such right of dower, the court shall appoint

11 three commissioners to assign the same, who shall  
12 proceed in the manner provided for commissioners  
13 appointed by the probate court; and when their report  
14 is made and accepted by the court, it shall be a legal  
15 assignment of dower; and the value thereof shall be  
16 the measure of damages in said action.

SECT. 2. This act shall take effect when approved.

# STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 17, 1870. }

Reported from the Committee on Legal Reform, and printed  
under the Joint Rule.

S. J. CHADBOURNE, *Clerk.*