

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE.

No. 215.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-FIVE.

AN ACT relating to the Settlement of Titles to Real
Estate.

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

Chapter 104 of the Revised Statutes is hereby amended
2 by adding thereto, the following section:

Section 49. A person in possession of real property,
4 having either by himself or those under whom he claims
5 been in uninterrupted possession thereof, for ten years or
6 more, claiming an estate of freehold therein, may file a
7 petition in the Supreme Judicial Court setting forth his
8 estate, stating the source of his title, describing the prem-
9 ises and averring that an apprehension exists that persons

10 named in the petition, or persons unknown claiming as
11 heirs, devises or assigns or in any other way, by, through
12 or under a person or persons named in the petition, claim
13 some right, title or interest in the premises adverse to his
14 said estate; and that such apprehension creates a cloud
15 upon the title and depreciates the market value of his
16 property; and praying that such persons be summoned to
17 show cause why they should not bring an action to try
18 their title to the described premises.

If any such supposed claimants are unknown the peti-
20 tioner or his attorney shall so allege under oath, but the
21 truth of the allegation shall not after decree filed be
22 denied, for the purpose of defeating the title established
23 thereby.

Upon such petition the court shall order notice return-
25 able at a term of the Supreme Judicial Court to be held in
26 the county where the real estate described lies.

Personal service by copy of the petition and order of
28 notice, shall be made upon all such supposed claimants
29 residing in the state, fourteen days before the return day;
30 and upon all such supposed claimants residing out of the
31 state, service may be made by personal service of copy of
32 the petition and order of notice; by publication for such
33 length of time, in such newspapers or by posting in such
34 public places as the court may direct; or in any or all of
35 these ways at the discretion of the court.

If any claimants appear to answer to said petition the
37 procedure shall be the same as is provided by section 48;
38 and if the court upon hearing, finds that the allegations
39 of the petition are true and that notice by publication has
40 been given as ordered it shall make and enter a decree

41 that all persons named in the petition and all persons
42 alleged to be unknown claiming, by, through or under
43 persons so named, and who have not so appeared, shall
44 be forever debarred and estopped from having or claiming
45 any right or title adverse to the petitioner in the premises
46 described in the petition ; which decree shall within thirty
47 days after it is finally granted be recorded in the registry
48 of deeds for the county where the land lies, and shall be
49 effectual to bar all right, title and interest of all persons
50 whether adults or minors, upon whom notice has been
51 served, personally or by publication, as herein provided.

The court may in its discretion appoint agents or guard-
53 ians ad litem to represent minors or other supposed claim-
54 ants.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 27, 1895. }

Reported by Mr. HAMLIN of Ellsworth, from Committee on Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*