

MAINE STATE LEGISLATURE

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Seventieth Legislature.

SENATE.

No. 76

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT to amend chapter one hundred and four of the Revised Statutes, as it was amended by chapter eighty-five of the Public Laws of eighteen hundred ninety-five by adding thereto section forty-nine, 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 one hundred and four of the Revised Statutes as
2 amended by chapter eighty-five of the Public Laws of
3 eighteen hundred and ninety-five by addition thereto of
4 section forty-nine is hereby further amended by inserting
5 after the word "court" in the twentieth line of said section

6 forty-nine the words ‘or any justice thereof in vacation,’
7 so that said section forty-nine, as amended, shall read as
8 follows :

‘Sect. 49. A person in possession of real property,
10 having either by himself or those under whom he claims
11 been in uninterrupted possession thereof, for ten years or
12 more, claiming an estate of freehold therein, may file a
13 petition in the supreme judicial court setting forth his
14 estate, stating the source of his title, describing the
15 premises and averring that an apprehension exists that
16 persons named in the petition, or persons unknown claim-
17 ing as heirs, devisees or assigns, or in any other way, by,
18 through or under a person or persons named in the peti-
19 tion, claim some right, title or interest in the premises
20 adverse to his said estate ; and that such apprehension
21 creates a cloud upon the title and depreciates the market
22 value of his property ; and praying that such persons be
23 summoned to show cause why they should not bring an
24 action to try their title to the described premises. If any
25 such supposed claimants are unknown, the petitioner or
26 his attorney shall so allege under oath, but the truth of the
27 allegation shall not after decree filed be denied, for the
28 purpose of defeating the title established thereby. Upon
29 such petition the court, or any justice thereof in vacation,
30 shall order notice returnable at a term of the supreme
31 judicial court to be held in the county where the real
32 estate described lies. Personal service by copy of the

33 petition and order of notice, shall be made upon all such
34 supposed claimants residing in the state, fourteen days
35 before the return day ; and upon all such supposed claim-
36 ants residing out of the state, service may be made by
37 personal service of copy of the petition and order of notice ;
38 by publication for such length of time, in such newspapers
39 or by posting in such public places as the court may direct ;
40 or in any or all of these ways at the discretion of the court.
41 If any claimants appear to answer to said petition the
42 procedure shall be the same as is provided by section
43 forty-eight ; and if the court upon hearing finds that the
44 allegations of the petition are true and that notice by
45 publication has been given as ordered, it shall make and
46 enter a decree that all persons named in the petition and
47 all persons alleged to be unknown claiming, by, through
48 or under persons so named, and who have not so appeared,
49 shall be forever debarred and estopped from having or
50 claiming any right or title adverse to the petitioner in the
51 premises described in the petition ; which decree shall
52 within thirty days after it is finally granted be recorded
53 in the registry of deeds for the county where the land lies,
54 and shall be effectual to bar all right, title and interest of
55 all persons whether adults or minors, upon whom notice
56 has been served, personally or by publication, as herein
57 provided. The court may in its discretion appoint agents
58 or guardians, ad litem, to represent minors or other sup-
59 posed claimants.'

STATE OF MAINE.

IN SENATE, February 22, 1901.

Reported by Mr. PLUMMER from Committee on Legal Affairs, and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.