

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Seventy-first Legislature.

SENATE.

No. 209

STATE OF MAINE.

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

AN ACT relating to suits in equity to quiet title.

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

Section 1. If, in a suit in equity to quiet or establish the
2 title to land situated in this State or to remove a cloud from
3 the title thereto, the plaintiff, or those under whom he claims,
4 has been in uninterrupted possession of the land described in
5 the bill for ten years or more, claiming an estate of freehold
6 therein, and seeks to determine the claims or rights of any
7 persons who are unascertained, not in being, unknown or
8 out of the State, or who cannot be actually served with
9 process and made personally amenable to the decree of the
10 court, such persons may be made defendants and, if they are
11 unascertained, not in being or unknown, they may be
12 described generally as the heirs, or legal representatives of

13 A B, or such persons as shall become heirs, devisees or
14 appointees of C D, a living person, or persons claiming under
15 A. B. It shall not be necessary for the maintenance of such
16 suit that the defendant shall have a claim or the possibility
17 of a claim resting upon an instrument, the cancellation or
18 surrender of which would afford the relief desired; but it
19 shall be sufficient that they claim or may claim by purchase,
20 descent or otherwise, some right, title, interest or estate in
21 the land which is the subject of the suit and that their claim
22 depends upon the construction of a written instrument or can-
23 not be met by the plaintiffs without the production of evi-
24 dence. Two or more persons who claim to own separate and
25 distinct parcels of land in the same county by titles derived
26 from a common source, or two or more persons who have
27 separate and distinct interests in the same parcel, may join as
28 plaintiffs in any suit brought under the provisions of this
29 section.

Sect. 2. If in such suit the court finds that actual service
2 cannot be made upon a defendant, it may order notice of the
3 suit to be posted in a conspicuous place on the land or to be
4 published in a newspaper within or without the State, or both,
5 or to be given in such other manner as it considers most
6 effectual, and may also require personal notice to be given.
7 Notice given under the provisions of this section shall be con-
8 structive service on all the defendants. If, after notice has
9 been given or served as ordered by the court and the time
10 limited in such notice for the appearance of the defendants
11 has expired, the court finds that there are or may be defend-
12 ants who have not been actually served with process within
13 the State and who have not appeared in the suit, it may of
14 its own motion, or on the representation of any party, appoint
15 an agent, guardian ad litem or next friend or any such
16 defendant, and if any such defendants have or may have con-
17 flicting interests, it may appoint different agents, guardians

18 ad litem or next friends to represent them. The cost of
19 appearance of any such agent, guardian ad litem or next
20 friend, including the compensation of his counsel, shall be
21 determined by the court and paid by the plaintiff, against
22 whom execution may issue therefor in the name of the agent,
23 guardian ad litem or next friend.

Sect. 3. After all the defendants have been served with
2 process or notified as provided in the preceding section and
3 after the appointment of an agent, the court may proceed as
4 though all the defendants had been actually served with a
5 process. Such suit shall be a proceeding in rem against
6 the land, and a decree establishing or declaring the validity,
7 nature or extent of the plaintiff's title may be entered, and
8 shall operate directly on the land and shall have the force of
9 a release made by or on behalf of all defendants of all claims
10 inconsistent with the title established or declared thereby.
11 The provisions of this and the two preceding sections shall
12 not prevent the court from also exercising jurisdiction in
13 personam against the defendants who have been actually
14 served with process and who are personally amenable to its
15 decrees.

Sect. 4. Any person or persons claiming an estate of free-
2 hold in wild land or in an interest in common and undivided
3 therein, if the plaintiff and those under whom he claims, has
4 for ten years next prior to the filing of the bill held such open,
5 exclusive, peaceable, continuous and adverse lands in Maine,
6 may maintain a suit in equity to quiet or establish the title
7 thereto or to remove a cloud from the title thereto, as provided
8 in the three preceding sections.

STATE OF MAINE.

IN SENATE, March 13, 1903.

Reported by Mr. GOODWIN from Committee on Revision of Statutes,
and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*