

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 360

STATE OF MAINE.

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

AN ACT to amend section ten of chapter ninety of the Revised
Statutes, relating to costs on petition for partition of real
estate.

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

Section 1. Section ten of chapter ninety of the Revised
2 Statutes is hereby amended by adding thereto the following
3 words:

In all cases, including the default of the respondent or
5 respondents, when judgment for partition is given, the court,
6 after notice to all parties in interest, may, in the discretion of
7 the presiding justice, apportion the costs between the peti-

8 tioner and respondent or respondents, or allow the petitioner
9 to recover costs of the proceedings against the respondent or
10 respondents to be taxed the same as in a civil action, and exe-
11 cution may be issued therefor,' so that said section, as
12 amended, shall read as follows :

'Sect. 10. When a petitioner is found to own a less share
14 than is claimed in his petition, he shall have partition of such
15 share, but the respondent recovers costs. When found
16 entitled to have partition of the share claimed, he recovers
17 costs of the respondent. In such cases, or on default, a
18 judgment that partition be made shall be entered. In all
19 other cases, including default of the respondent or respond-
20 ents, when judgment for partition is given, the court, after
21 notice to all parties in interest, may, in the discretion of the
22 presiding justice, apportion the costs between the petitioner
23 and respondent or respondents, or allow the petitioner to
24 recover costs of the proceedings against the respondent or
25 respondents to be taxed the same as in a civil action, and
26 execution may be issued therefor.'

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 1, 1907.

Reported by Mr. JOHNSON from Committee on Judiciary, and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk*