

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

SENATE.

No. 163

STATE OF MAINE.

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

AN ACT to quiet the title to real estate.

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

Section 1. A person in possession of real property, claim-
2 ing an estate of freehold therein or an unexpired term of
3 not less than ten years, or a person who has conveyed such
4 property or any interest therein with covenants of title or
5 warranty, upon which he may be liable, may, if he, or those
6 under whom he claims, or those claiming under him, have
7 been in uninterrupted possession of such property for ten
8 years or more, file a petition in the supreme judicial court
9 setting forth his estate, describing the premises and averring
10 that an apprehension exists that persons named in the peti-
11 tion, or persons unknown, claim by continued and uninter-

12 rupted use for twenty years or more, by grant, prescription,
13 custom, or in any other way, an easement, by, through or
14 on such real property adverse to the estate of the said peti-
15 tioner and that such apprehension creates a cloud upon the
16 title and depreciates the market value of such property; and
17 praying that such persons be summoned to show cause why
18 they should not bring action to determine their legal rights
19 in and to such easement over or upon said real estate. If
20 such supposed claimants are unknown, the petitioner, or his
21 attorney, shall so allege under oath, but the truth of the alle-
22 gation shall not, after the decree has been filed, be denied,
23 for the purpose of defeating the title established thereby.
24 Upon such petition the court or any justice thereof in vaca-
25 tion, shall order notice returnable at a term of the supreme
26 judicial court next to be held in the county where the real
27 estate lies. Personal service by a copy of the petition and
28 order of notice, shall be made upon all supposed claimants
29 alleged in the petition fourteen days before the return day;
30 and upon such persons as are unknown, and so alleged in
31 the petition, by publication for such length of time, in such
32 newspapers, or by posting in such public places as the court
33 or any justice thereof in vacation may order.

Sect. 2. If any person so summoned appears and claims
2 such easement, he shall by answer, show cause why he shall
3 not be required to bring an action to try his title to such
4 easement, acquired as provided in section 1 of this act, as
5 he may claim; and the court shall make such decree respect-

6 ing the bringing and prosecuting of such action as seems
7 equitable and just; if any person so summoned appears and
8 disclaims all right and title adverse to the petitioner, he
9 recovers his cost. If the court upon hearing finds that the
10 allegations in the petition are true, and that notice of the
11 publication has been given as ordered, and that all orders
12 of notice have been complied with, it shall make and order
13 a decree that all persons named in the petition and all per-
14 sons alleged to be unknown, if the petition so alleges, who
15 have not so appeared, or who, having appeared, have dis-
16 claimed all right and title adverse to the petitioner, or who,
17 having appeared, shall disobey the order of the court to
18 bring action and try the title, shall be forever debarred and
19 estopped from having or claiming any right or title in and
20 to any easement in, on or over the premises described in the
21 petition, which decree shall within thirty days after it is
22 finally granted be recorded in the registry of deeds for the
23 county or district where said lands lie and shall be effectual
24 to bar all easements in and to said premises whether adults
25 or minors upon whom notice has been served personally or
26 by publication as herein provided, and all persons unknown
27 if the petition so alleges. The court may in its discretion
28 appoint agents or guardians ad litem, to represent minors
29 or other supposed claimants.

Sect. 3. If any person appears and claims an easement,
2 however acquired, in such premises, he may bring an action
3 on the case to try the title thereto, alleging in his declaration

4 how said easement was acquired and issue shall be framed
5 accordingly.

Sect. 4. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 28, 1907.

Reported by Mr. HASTINGS from Committee on Judiciary, and
laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.