

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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SENATE

NO. 224

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*In Senate, Feb. 27, 1915.*

*Reported by Sen. Cole from Committee on Revision of Statutes and ordered printed under joint rules.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT to Amend Section Seventeen of Chapter Seventy seven of the Revised Statutes Relating to Proceedings if Husband or Wife Refuses to Release Interest in Real Estate.

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*Be it enacted by the People of the State of Maine, as follows:*

Section seventeen of chapter seventy-seven of the revised statutes is hereby amended by inserting after the word "descent" in the third line of said section, the following words, 'or if the owner is a non-resident and the husband or wife is incapacitated and has no guardian in this state.' so that said section as amended shall read as follows:

'Sect. 17. If the owner of real estate contracts to sell the same, and the husband or wife of the owner refuses to release his or her interest and right by descent, or if the owner

10 is a non-resident and the husband or wife is incapacitated  
11 and has no guardian in this state, the owner may apply to  
12 a justice of the supreme judicial or superior court, who,  
13 after such noticee to the other party as he may order, and  
14 hearing, may, in his discretion, approve the sale and price,  
15 and order the owner to pay to the clerk of court, for such  
16 husband or wife or the owner, such sum as would amount  
17 to one-third of the price approved, if the owner has issue,  
18 and one-half if he has no issue, at the expiration of the  
19 owner's expectancy of life, computed at three per cent, com-  
20 pound interest. The clerk shall give a certificate of such  
21 approval by the court, and of the fact that said money has  
22 been paid as aforesaid, to be filed with the register of deeds  
23 in the county or registry district where the land lies, with the  
24 owner's deed thereof, and such register shall record the  
25 same; and thereafter such interest or right by descent in  
26 such real estate, shall be barred. An assignee for the benefit  
27 of creditors, or in insolvency, or a trustee in bankruptcy,  
28 or any person holding under title by levy or sale on execution  
29 may make application for proceedings under this section in  
30 relation to any real estate held by him in such capacity, to  
31 bar the interest and right by descent therein, of the husband  
32 or wife of the assignor, insolvent or bankrupt.'