

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

SENATE

NO. 119

In Senate, Feb. 7, 1917.

*Reported by Mr. Davies from Committee on Judiciary and
ordered printed under joint rules.*

L. ERNEST THORNTON, Secretary pro tem.

STATE OF MAINE

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

AN ACT to amend section nineteen of chapter eighty, Revised
Statutes of Maine relative to title by descent.

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

Section nineteen of chapter eighty, Revised Statutes of
2 Maine, is hereby amended by adding after the word state,
3 in the fourth line of said section, the words 'or if the owner
4 is a resident of this state and the husband or wife is under
5 guardianship' so that said section as amended shall read as
6 follows:

'Sec. 19. If the owner of real estate contracts to sell the
2 same, and the husband or wife of the owner refuses to
3 release his or her interest and right by descent, or if the

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