

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 533

S. P. 327

In Senate, Feb. 8, 1933.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Jackson of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT Relating to Partition of Real Estate.

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

R. S. c. 78, § 5, amended. Section 5 of chapter 78 of the revised statutes is hereby amended to read as follows:

'Sec. 5. Proceedings, when equal division cannot be made. When the whole or any part of the premises, of greater value than any party's share, cannot be divided without great inconvenience, the same may be assigned to any 1 or more of the parties, who will accept and pay to the others such sums, as the commissioners award to make the partition just; but such partition shall not be established by the court, until all such sums are paid or secured, with interest, to the satisfaction of the parties entitled thereto **or to the satisfaction of the judge of the probate court having jurisdiction thereof;** nor if inconsistent with the condition of the devise, under which they claim; but in such assignment males shall be preferred to females, and the elder to the younger children of the same sex.'