

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1883.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1883.

CHAP. 145

Chapter 145.

An Act to amend section fourteen of chapter fifty of the Public Laws of eighteen hundred and seventy-eight, relating to insectivorous birds.

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

Sec. 14, ch. 50,
public laws 1878,
amended.

Section fourteen of chapter fifty of the public laws of eighteen hundred and seventy-eight, is hereby amended by adding thereto the following words, viz: 'under a penalty of not less than one dollar, nor more than five dollars for each of said birds killed, and the possession by any person of such dead bird, shall be prima facie evidence that such person killed such bird,' so that as amended, said section will read as follows :

Killing, &c., of
insectivorous
birds, prohibited.

—penalty.

'SECT. 14. No person shall kill, or have in his possession, except alive, any of the birds commonly known as larks, robins, swallows, sparrows or orioles, or other insectivorous birds, crows and hawks excepted, under a penalty of not less than one dollar, nor more than five dollars, for each of said birds killed, and the possession by any person of such dead bird, shall be prima facie evidence that such person killed such bird.'

Approved February 26, 1883.

Chapter 146.

An Act providing that a party in possession of real property may petition to compel supposed claimant of such property to bring action to try his title.

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

Supposed claimant to real estate may be compelled to bring action to try title.

SECT. 1. Any person in possession of real property, claiming an estate of freehold therein, or an unexpired term of not less than ten years, may file a petition in the supreme judicial court setting forth his estate, whether of inheritance for life, or for years, describing the premises, averring that he is credibly informed and believes that some person or persons named in the petition makes some claim adverse to his estate, and praying that such person or persons may be summoned to show cause why they should not bring an action to try their alleged title. A person who is in the enjoyment of an easement shall be held to be in possession of real

Enjoyment of an easement, sufficient possession for such purpose.

property within the meaning and for the purposes of this section. CHAP. 147

SECT. 2. Upon such petition, the court shall order notice to be given to the supposed claimants, returnable at a court to be holden in the county where the property, or some portion of it, lies; and if upon return of the order of notice, duly executed, they make default, or, having appeared, disobey the lawful order of the court to bring an action and try their title, the court shall enter a decree that they be forever debarred and estopped from having or claiming any right or title, adverse to the petitioner, in the premises described. If the petitioner prefers, the petition may be inserted like a declaration in a writ, and served by copy, like a writ of original summons. If the persons so summoned appear and disclaim all right and title adverse to the petitioner, they shall recover their costs. If they claim title, they shall, by answer, show cause why they should not be required to bring an action and try such title; and the court shall make such decree respecting the bringing and prosecuting of such action as may seem equitable and just.

Notice to supposed claimant.

If claimant is defaulted, etc., decree shall be entered against him.

How petition may be served.

If persons summoned, disclaim title, they shall recover costs.

Claimant must show cause why he should not be required to bring action.

Approved February 26, 1883.

Chapter 147.

An Act to establish the salary of the Judge of Probate of the County of Penobscot.

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

The judge of probate of the county of Penobscot, shall receive the annual salary of eight hundred dollars, from and after the first day of January, in the year of our Lord eighteen hundred and eighty-three, to be paid in the manner provided by law for such salaries in other counties, instead of the sum allowed by chapter one hundred and fifty of the public laws of the year eighteen hundred and seventy-nine.

Salary of judge of probate of Penobscot county, established.

Approved February 26, 1883.