

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

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PUBLIC LAWS
OF THE
STATE OF MAINE.

1895.

Chapter 80.

An Act relating to the Settlement of Titles to Real Estate.

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

When a mortgage remains undischarged, with mortgagor in possession of real estate for twenty years, it may be discharged by decree of court.

SECT. 1. When the record title of real estate is encumbered by an undischarged mortgage, and the mortgagor and those having his estate in the premises have been in uninterrupted possession of such real estate for twenty years after the expiration of the time limited in the mortgage for the full performance of the conditions thereof ; he or they, or any person having a freehold estate, vested or contingent in possession, reversion or remainder, in the land originally subject to the mortgage or in any undivided or any aliquot part thereof, or any interest therein which may eventually become a freehold estate, or any person who has conveyed such land or any such interest therein with covenants of title or warranty, may apply to the supreme judicial court by petition, setting forth the facts, and asking for a decree as hereinafter provided ; and if after notice to all persons interested as provided in section four, no evidence is offered of any payment within said twenty years or of any other act within said time, in recognition of its existence as a valid mortgage, the court upon hearing may enter a decree setting forth such facts and its findings in relation thereto, which decree shall within thirty days be recorded in the proper registry of deeds and thereafter no action at law or proceeding in equity shall be brought by any person to enforce a title under said mortgage.

Two or more person owning in severalty may join in petition.

SECT. 2. Any two or more persons owning in severalty different portions or different interests of the character above described, in the whole or in different portions thereof, may join in one petition. Two or more defects arising under different mortgages affecting one parcel of land may be set forth in the same petition ; and in case of a contest the court shall make such order for separate issues as may be proper.

Mortgage given to secure against some contingent liability, may, after twenty years, and when liability has ceased, be discharged, by order of court.

SECT. 3. When the mortgagor of such an undischarged mortgage and those having his estate in the premises have been in uninterrupted possession of such real estate for twenty years from the date thereof, and it shall appear that such mortgage was not given to secure the payment of a sum of money or a debt, but to secure the mortgagee against some

contingent liability assumed or undertaken by him, and that such conditional liability has ceased to exist and that the interests of no person will be prejudiced by the discharge of such mortgage, the mortgagor or those having his estate in the premises, or any of the persons to whom a similar remedy is granted in section one of this act may apply to the supreme judicial court by petition setting forth the facts and asking for a decree as hereinafter provided; and if after notice to all persons interested as provided in section four, and upon hearing it shall appear that the liability on account of which such mortgage was given has ceased to exist and that such mortgage ought to be discharged, the court may enter a decree setting forth the facts proved and its findings in relation thereto, which decree shall within thirty days be recorded in the proper registry of deeds and thereafter no action or proceeding in equity shall be brought to enforce a title under said mortgage.

SECT. 4. When it is alleged under oath in the petition that the mortgagees or persons claiming under them are unknown or that their names are unknown, they may be described generally as claiming by, through or under some person or persons named in the petition. Personal service by copy of the petition and order of notice shall be made upon all such respondents residing in the state fourteen days before the return day; and upon all such respondents residing out of the state, service may be made by personal service of copy of the petition and order of notice; by publication for such length of time, in such newspapers or by posting in such public places as the court may direct; or in any or all of these ways at the discretion of the court.

When mortgagees are unknown, they may be described generally, as claiming under some persons named in the petition.

—how service shall be made.

SECT. 5. Upon the service of such notice in accordance with the order of the court, the court shall have jurisdiction of all persons made respondents in the manner above provided, and shall upon due hearing make such decree upon the petition and as to costs as it shall deem proper.

Court has jurisdiction over all respondents.

SECT. 6. The decree of the court, determining the validity, nature or extent of any such incumbrance shall be effectual to bar all the respondents from any claim thereunder contrary to such determination, and such decree so barring said respondents shall have the same force and effect as a release of such claims, executed by the respondents in due form of

Decree shall be effectual, to bar claims.

CHAP. 81 law. The court may, in its discretion, appoint agents or guardians, ad litem, to represent minors or other respondents.

Approved March 12, 1895.

Chapter 81.

An Act to utilize and protect certain property ordained for pious uses, the legal custodian of which is unknown.

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

Property dedicated to pious uses, having no legal custodian, and is becoming wasted, may be sold by order of court.

Where any property in this state dedicated and ordained for pious uses, has no proper or legal custodian, so that it is becoming wasted and the utility thereof is lost, upon the application of any person or religious society interested in having such property preserved and applied to the uses for which it was originally intended, the attorney general shall file a bill in equity, in the nature of an information, against such property and all persons interested therein, praying for the appointment of trustees to care for such property and for the proper application and disposition thereof, and the court may order such notice as seems proper, and may appoint receivers or trustees therefor, and upon final decree, may order the care, custody, sale, application or disposal of such property as will best serve the purposes for which it was originally intended. The court may convey or transfer such property to any religious body to be held and applied for the purposes of such trust as the court may declare; and it shall have full power to treat, care for and dispose of the same in furtherance of such pious uses as may seem best suited to the case and situation.

—court may convey such property to any religious body, in trust.

Approved March 12, 1895.