

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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PUBLIC LAWS
OF THE
STATE OF MAINE.
1901.

Chapter 170.

An Act to amend Chapter one hundred and four of the Revised Statutes, as it was amended by Chapter eighty-five of the Public Laws of eighteen hundred and ninety-five by adding thereto section forty-nine, relating to the Settlement of Titles to Real Estate.

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

Chapter one hundred and four of the revised statutes, as amended by chapter eighty-five of the public laws of eighteen hundred and ninety-five by addition thereto of section forty-nine, is hereby further amended by inserting after the word "court" in the twentieth line of said section forty-nine the words, 'or any justice thereof in vacation,' so that said section forty-nine, as amended, shall read as follows:

Chapter 104,
R. S., as
amended by
chapter 85,
laws of 1895,
further
amended.

'Section 49. A person in possession of real property, having either by himself or those under whom he claims have been in uninterrupted possession thereof, for ten years or more, claiming an estate of freehold therein, may file a petition in the supreme judicial court setting forth his estate, stating the source of his title, describing the premises and averring that an apprehension exists that persons named in the petition, or persons unknown claiming as heirs, devisees or assigns or in any other way, by, through or under a person or persons named in the petition, claim some right, title or interest in the premises adverse to his said estate; and that such apprehension creates a cloud upon the title and depreciates the market value of his property; and praying that such persons be summoned to show cause why they should not bring an action to try their title to the described premises. If any such supposed claimants are unknown, the petitioner or his attorney shall so allege under oath, but the truth of the allegation shall not after decree filed be denied, for the purpose of defeating the title established thereby. Upon such petition the court, or any justice thereof in vacation, shall order notice returnable at a term of the supreme judicial court to be held in the county where the real estate described lies. Personal service by copy of the petition and order of notice, shall be made upon all such supposed claimants residing in the state, fourteen days before the return day; and upon all such supposed claimants 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. If any claimants appear to answer to said petition, the procedure shall be the same

A supposed
claimant to
real estate
can be com-
pelled to
bring action
to settle.

—notice to
supposed
claimant.

—proceedings
if any claim-
ants appear.

CHAP. 171

as is provided by section forty-eight ; and if the court upon hearing, finds that the allegations of the petition are true and that notice by publication has been given as ordered, it shall make and enter a decree that all persons named in the petition and all persons alleged to be unknown claiming, by, through or under persons so named, and who have not so appeared, shall be forever debarred and estopped from having or claiming any right or title adverse to the petitioner in the premises described in the petition ; which decree shall within thirty days after it is finally granted be recorded in the registry of deeds for the county where the land lies, and shall be effectual to bar all right, title and interest of all persons whether adults or minors, upon whom notice has been served, personally or by publication, as herein provided. The court may in its discretion appoint agents or guardians, ad litem, to represent minors or other supposed claimants.'

—decree shall be final.

Approved March 6, 1901.

Chapter 171.

An Act to amend Section thirty-one of Chapter two hundred and eighty-five of the Public Laws of eighteen hundred and ninety-seven, relating to a weekly close time for the taking of Fish.

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

Section 31, chapter 285, public laws 1897, amended.

Section 1. Section thirty-one of chapter two hundred and eighty-five of the public laws of eighteen hundred and ninety-seven is hereby amended as follows: By adding at the close of said section the following words, 'provided, however, that the weekly close time on the Damariscotta river below the bridge at Damariscotta, shall be from sunset on each Saturday night to twelve o'clock on the following Sunday night,' so that said section, as amended, shall read as follows:

Weekly close time of 48 hours between April 1 and July 15, established.

'Section 31. Between the first day of April and the fifteenth day of July, there shall be a weekly close time of forty-eight hours from sunrise on each Saturday morning to sunrise on the following Monday morning, during which no salmon, shad, alewives or bass, shall be taken. During the weekly close time, all seines, nets, and other movable apparatus shall be removed from the water. Every weir shall have, in that part where the fish are usually taken, an opening three feet wide, extending from the bottom to the top of the weir, and the netting or other material which closes the same while fishing, shall be taken out,

—how it shall be observed.