

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

Published by the Secretary of State, agreeably to Resolves of June 28,
1820, February 18, 1840, and March 16, 1842.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1903.

although the overseers of the poor of said town have no permit in writing from the governor and council to remove the same into their town.'

Section 2. This act shall take effect when approved.

Approved March 26, 1903.

Chapter 149.

An Act relating to suits in equity to quiet Title.

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

Section 1. If, in a suit in equity to quiet or establish the title to land situated in this state or to remove a cloud from the title thereto, the plaintiff, or those under whom he claims, has been in uninterrupted possession of the land described in the bill for ten years or more, claiming an estate of freehold therein, and seeks to determine the claims or rights of any persons who are unascertained, not in being, unknown or out of the state, or who cannot be actually served with process and made personally amenable to the decree of the court, such persons may be made defendants and, if they are unascertained, not in being or unknown, they may be described generally as the heirs, or legal representatives of A B, or such persons as shall become heirs, devisees or appointees of C D, a living person, or persons claiming under A B. It shall not be necessary for the maintenance of such suit that the defendants shall have a claim or the possibility of a claim resting upon an instrument, the cancellation or surrender of which would afford the relief desired; but it shall be sufficient that they claim or may claim by purchase, descent or otherwise, some right, title, interest or estate in the land which is the subject of the suit and that their claim depends upon the construction of a written instrument or cannot be met by the plaintiffs without the production of evidence. Two or more persons who claim to own separate and distinct parcels of land in the same county by titles derived from a common source, or two or more persons who have separate and distinct interests in the same parcel, may join as plaintiffs in any suit brought under the provisions of this section.

Suit in equity to quiet title, proceedings in.

—defendants, how described.

—two or more persons may join as plaintiffs in certain cases.

Section 2. If in such suit the court finds that actual service cannot be made upon a defendant, it may order notice of the suit to be posted in a conspicuous place on the land or to be published in a newspaper within or without the state, or both, or to be given in such other manner as it considers most effectual,

Service when defendant cannot be found, how made.

CHAP. 149

—court may appoint an agent, guardian ad litem or next friend in certain cases.

and may also require personal notice to be given. Notice given under the provisions of this section shall be constructive service on all the defendants. If, after notice has been given or served as ordered by the court and the time limited in such notice for the appearance of the defendants has expired, the court finds that there are or may be defendants who have not been actually served with process within the state and who have not appeared in the suit, it may of its own motion, or on the representation of any party, appoint an agent, guardian ad litem or next friend or any such defendant, and if any such defendants have or may have conflicting interests, it may appoint different agents, guardians ad litem or next friends to represent them. The cost of appearance of any such agent, guardian ad litem or next friend, including the compensation of his counsel, shall be determined by the court and paid by the plaintiff, against whom execution may issue therefor in the name of the agent, guardian ad litem or next friend.

Court may proceed after process or notification as provided in preceding section.

—suit shall be a proceeding in rem.

—court may exercise jurisdiction in personam.

Section 3. After all the defendants have been served with process or notified as provided in the preceding section and after the appointment of an agent, the court may proceed as though all the defendants had been actually served with a process. Such suit shall be a proceeding in rem against the land, and a decree establishing or declaring the validity, nature or extent of the plaintiff's title may be entered, and shall operate directly on the land and shall have the force of a release made by or on behalf of all defendants of all claims inconsistent with the title established or declared thereby. The provisions of this and the two preceding sections shall not prevent the court from also exercising jurisdiction in personam against the defendants who have been actually served with process and who are personally amenable to its decrees.

May maintain suit in equity to quiet title after ten years open, exclusive.

Section 4. Any person or persons claiming an estate of freehold in wild land or in an interest in common and undivided therein, if the plaintiff and those under whom he claims, has for ten years next prior to the filing of the bill held such open, exclusive, peaceable, continuous and adverse lands in Maine, may maintain a suit in equity to quiet or establish the title thereto or to remove a cloud from the title thereto, as provided in the three preceding sections.