

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1907

PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

Chapter 62.

An Act to quiet the title to Real Estate.

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

Certain claimants of real property.

—may file petition in S. J. C.

—to summon certain other persons to determine their legal rights.

—if supposed claimants are unknown.

—shall so allege.

—court may order notice.

—how service of notice may be made.

Claimants of easement shall show cause why he shall not bring action.

—court shall make decree.

—further duties of court.

Section 1. A person in possession of real property, claiming an estate of freehold therein or an unexpired term of not less than ten years, or a person who has conveyed such property or any interest therein with covenants of title or warranty, upon which he may be liable, may, if he, or those under whom he claims, or those claiming under him, have been in uninterrupted possession of such property for ten years or more, file a petition in the supreme judicial court setting forth his estate, describing the premises and averring that an apprehension exists that persons named in the petition, or persons unknown, claim by continued and uninterrupted use for twenty years or more, by grant, prescription, custom, or in any other way, an easement through or on such real property adverse to the estate of the said petitioner and that such apprehension creates a cloud upon the title and depreciates the market value of such property; and praying that such persons be summoned to show cause why they should not bring action to determine their legal rights in and to such easement over or upon said real estate. If such supposed claimants are unknown, the petitioner, or his attorney, shall so allege under oath, but the truth of the allegation shall not, after the decree has been 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 next to be held in the county where the real estate lies. Personal service by a copy of the petition and order of notice, shall be made upon all supposed claimants alleged in the petition fourteen days before the return day; and upon such persons as are unknown, and so alleged in the petition, by publication for such length of time, in such newspapers, or by posting in such public places as the court or any justice thereof in vacation may order.

Section 2. If any person so summoned appears and claims such easement, he shall by answer, show cause why he shall not be required to bring an action to try his title to such easement, acquired as provided in section one of this act, as he may claim; and the court shall make such decree respecting the bringing and prosecuting of such action as seems equitable and just; if any person so summoned appears and disclaims all right and title adverse to the petitioner, he recovers his cost. If the court upon hearing finds that the allegations in the petition are true, and that notice of the publication has been given as ordered, and

that all orders of notice have been complied with, it shall make and order a decree that all persons named in the petition and all persons alleged to be unknown, if the petition so alleges, who have not so appeared, or who, having appeared, have disclaimed all right and title adverse to the petitioner, or who, having appeared, shall disobey the order of the court to bring action and try the title, shall be forever debarred and estopped from having or claiming any right or title in and to any easement in, on or over 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 or district where said lands lie and shall be effectual to bar all easements in and to said premises whether adults or minors upon whom notice has been served personally or by publication as herein provided, and all persons unknown if the petition so alleges. The court may in its discretion appoint agents or guardians ad litem, to represent minors or other supposed claimants.

—failure to obey order of court shall debar any right, etc.

—decree shall be recorded.

—court may appoint agents, etc.

Section 3. If any person appears and claims an easement, however acquired, in such premises, he may bring an action on the case to try the title thereto, alleging in his declaration how said easement was acquired and issue shall be framed accordingly.

Claimants may bring action on the case.

Section 4. This act shall take effect when approved.

Approved March 13, 1907.

Chapter 63.

An Act relating to the perfecting of the record of titles to Real Estate.

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

The administrator of the estate of every person dying intestate, seized of real estate, shall within six months after his appointment furnish the register of the court having jurisdiction thereof a statement containing a list of the heirs inheriting said real estate and their residences, so far as known, together with the relationship of each to the deceased, and said register shall forthwith cause said statement to be recorded in the office of the registry of deeds in the county where said real estate is situated, and the expense thereof shall be charged to said estate.

Duty of administrator of estate of person dying intestate, seized of real estate.

Approved March 13, 1907.