

MAINE STATE LEGISLATURE

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

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1907.

CHAP. 150

—shall be sealed in a package.

—how package shall be kept.

—penalty for tampering with ballots.

ing in such manner as to afford the electors ample opportunity to observe the sorting and counting; and when the ballots have been sorted and counted and the results declared and recorded, all the ballots shall, in open meeting, be sealed in a package, which said package, together with the check lists sealed in the same manner as the ballots, shall forthwith be returned to the city, town or plantation clerk, to be preserved by him as a public record, and shall be kept by him securely locked in an iron safe, whenever such city, town or plantation shall so provide the same for his use as such clerk, for six months, and any warden, ballot clerk, city or town clerk or other person who shall abstract from or in any manner tamper with said packages, or who shall in any manner abstract from or tamper with the unused ballots, and any such clerk who shall wilfully and intentionally refuse or neglect to so safely keep secured such ballots, as herein above provided, shall be punished by a fine not less than two hundred nor more than one thousand dollars, or by imprisonment for not less than ninety days nor more than two years.'

Approved March 26, 1907.

Chapter 150.

An Act to amend Sections forty-seven and forty-eight of Chapter one hundred and six of the Revised Statutes, relating to proceedings to quiet title to Real Estate.

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

Section 47,
chapter 106,
R. S.,
amended.

Section 1. Section forty-seven of chapter one hundred and six of the revised statutes is hereby amended by adding thereto the following: 'Upon the filing of the petition in said proceedings the clerk of courts in the county where such proceedings are pending shall file a certificate in the registry of deeds in the county or district where said land is situated, setting forth the names of the parties, the date of the petition and the filing thereof, and the description of the real estate as given in the petition, which said certificate shall be recorded by the register of deeds, who shall receive therefor the same fee as for recording a deed. The proceedings on the petition shall not be abated by the death of any party thereto, and the issues may be determined after such personal or public notice, as the court orders, has been given to all persons interested in his estate, and they may become or be made parties; nor shall the proceedings be abated by the conveyance of the premises by the defendant by deed recorded after said certificate is recorded.

The grantee of any defendant named or described in the petition, or any person claiming under such grantee, may voluntarily appear and become a party, and make any defense that would have been open to the defendant under whom he claims. If any person who becomes such grantee by conveyance recorded after the filing of the certificate aforesaid, does not voluntarily appear, no such conveyance by the defendant shall be given in evidence, either in the proceedings on the petition or in any action brought thereunder to try title to the premises as provided in the following section, and the issue shall be determined as though no such conveyance were made,' so that said section, as amended, shall read as follows:

'Section 47. 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 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, 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, or may claim, some right, title or interest in the premises averse to his said estate, and that such apprehension creates a cloud upon the title and depreciates the market value of the 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, that the truth of the allegation shall not after decree has been filed, be denied, for the purpose of defeating the title established thereby. A person in the enjoyment of an easement is in possession of real property within the meaning and for the purposes of this section. 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 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

Summary proceedings to quiet title to real estate.

—petition may be filed.

—notice to supposed claimants.

—enjoyment of easement sufficient possession.

—personal service, how made.

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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 the petitioner prefers, the petition may be inserted like a declaration in a writ, and served by copy like a writ of original summons. Upon the filing of the petition in such proceedings the clerk of courts in the county where such proceedings are pending shall file a certificate in the registry of deeds in the county or district where said land is situated, setting forth the names of the parties, the date of the petition and the filing thereof, and the description of the real estate as given in the petition, which said certificate shall be recorded by the register of deeds, who shall receive therefor the same fee as for recording a deed. The proceedings on the petition shall not be abated by the death of any party thereto, and the issues may be determined after such personal or public notice, as the court orders, has been given to all persons interested in his estate, and they may become or be made parties; nor shall the proceedings be abated by the conveyance of the premises by the respondent by deed recorded after said certificate is recorded. The grantee of any defendant named or described in the petition, or any person claiming under such grantee, may voluntarily appear and become a party, and make any defence that would have been open to the defendant under whom he claims. If any person who becomes such grantee by conveyance recorded after the filing of the certificate aforesaid, does not voluntarily appear, no such conveyance by the defendant shall be given in evidence, either in the proceedings on the petition or in any action brought thereunder to try title to the premises as provided in the following section, and the issue shall be determined as though no such conveyance were made.'

—grantee
may become
a party.

Section 48,
amended.

Section 2. Section forty-eight of said chapter is hereby amended by inserting after the word "title" in the first line thereof the following words: 'or voluntarily appears as aforesaid and claims title; and by inserting after the word "named" in the tenth line the following: 'and all persons named as grantees in any deed given by the defendant and recorded after the filing of the certificate aforesaid and all persons claiming under such grantees; and by inserting after the word "provided" in the nineteenth line thereof the following: 'and all persons named as grantees in any deed given by the defendant and recorded after the filing of said certificate and all persons claiming under such grantees,' so that said section as amended, shall read as follows:

Proceedings
if claimant
appears.

'Section 48. If any person so summoned appears and claims title or voluntarily appears as aforesaid and claims title, he

shall by answer show cause why he 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 seems equitable and just; if any person so summoned appears and disclaims all right and title adverse to the petitioner, he recovers his costs. 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 all persons named as grantees in any deed given by the defendant and recorded after the filing of the certificate aforesaid and all persons claiming under such grantee 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 an action and try their title, 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 or district 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, and all persons named as grantees in any deed given by the defendant and recorded after the filing of said certificate and all persons claiming under such grantees. The court may in its discretion appoint agents or guardians ad litem, to represent minors or other supposed claimants.'

—decree
shall be
recorded.

Section 3. This act shall take effect when approved.

Approved March 26, 1907.

Chapter 151.

An Act concerning the appointment of married women as Guardians.

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

A married woman who has attained the age of twenty-one years may be appointed guardian and perform all the duties of such trust without any act or assent on the part of her husband; and when an unmarried woman who is guardian marries, her authority is not thereby extinguished, but she shall continue to perform all the duties of such trust without any act or assent on the part of her husband.

Married
woman
may act as
guardian.

Approved March 26, 1907.