

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

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CHAPTER 119.

Limitations of Real Actions, and Rights of Entry.

Sec. 1. Rights of entry and action are barred in twenty years. R. S. c. 110, § 1. No person shall commence any real or mixed action for the recovery of lands, or make an entry thereon, unless within twenty years after the right to do so first accrued; or unless within twenty years after he, or those under whom he claims, were seized or possessed of the premises; except as hereinafter provided.

20 Me. 211; 21 Me. 204; 25 Me. 471; 35 Me. 463; 82 Me. 237.

Sec. 2. When right shall begin to run. R. S. c. 110, § 2. If such right or title first accrued to an ancestor, predecessor, or other person under whom the demandant claims, said twenty years shall be computed from the time when the right or title first accrued to such ancestor, predecessor, or other person.

14 Me. 165; 21 Me. 374.

Sec. 3. When such right to be deemed to accrue. R. S. c. 110, § 3. The right of entry, or of action to recover land, as used in this chapter, first accrues at the times hereinafter mentioned:

I. When a person is disseized, at the time of such disseizin.

*83 Me. 178.

II. When he claims as heir or devisee of one who died seized, at the time of such death, unless there is a tenancy by the curtesy or other estate intervening after the death of the ancestor or deviser; in that case, his right accrues when such intermediate estate expires, or would expire by its own limitation.

III. When there is such an intermediate estate, and in all cases, when the party claims by force of any remainder or reversion, his right accrues when the intermediate estate would expire by its own limitation, notwithstanding any forfeiture thereof for which he might enter at an earlier time.

*58 Me. 557; *109 Me. 76.

Sec. 4. Any person may enter for condition broken. R. S. c. 110, § 4. The preceding clause shall not prevent any person from entering, when so entitled by reason of any forfeiture or breach of condition; but if he claims under such a title, his right accrues when the forfeiture was incurred, or the condition broken.

Sec. 5. Cases not specially provided for. R. S. c. 110, § 5. In all cases not otherwise provided for, the right of entry accrues when the claimant, or the person under whom he claims, first became entitled to the possession of the premises under the title on which the entry or action is founded.

Sec. 6. Action by a minister or other sole corporation. R. S. c. 110, § 6. If a minister, or other sole corporation is disseized, any of his successors may enter upon the premises or bring an action for their recovery, at any time within five years after the death, resignation, or removal of the person disseized, notwithstanding twenty years after disseizin have expired.

Sec. 7. Saving in favor of minors, and other disabled persons. R. S. c. 110, § 7. When such right of entry or action first accrues, if the person thereto entitled is a minor, insane, imprisoned, or absent from the United States, he,

or any one claiming under him, may make the entry or bring the action at any time within ten years after such disability is removed, notwithstanding twenty years have expired.

13 Me. 402; *82 Me. 329; *83 Me. 178.

Sec. 8. Further saving, if the person first entitled dies during such disability. R. S. c. 110, § 8. If the person first entitled to make the entry or bring the action dies during the continuance of the disability, and no determination or judgment has been had on his title or right of action, the entry may be made or action brought by his heirs, or other person claiming under him, at any time within ten years after his death, notwithstanding the twenty years have elapsed; but no such further time for bringing the action or making the entry, beyond that hereinbefore prescribed, shall be allowed by reason of the disability of any other person.

Sec. 9. Consequence, if tenant in tail or remainder man dies, before expiration of the limitation. R. S. c. 110, § 9. When a tenant in tail, or a remainder man in tail, dies before the expiration of the period hereinbefore limited for making an entry or bringing an action for lands, no person, claiming any estate which such tenant in tail or remainder man might have barred, shall make an entry or bring an action to recover such land, except within the period during which the tenant in tail or remainder man, if he had so long lived, might have done it.

Sec. 10. What constitutes a disseizin to bar right of recovery. R. S. c. 110, § 10. To constitute a disseizin, or such exclusive and adverse possession of lands as to bar or limit the right of the true owner thereof to recover them, such lands need not be surrounded with fences or rendered inaccessible by water; but it is sufficient, if the possession, occupation, and improvement are open, notorious, and comporting with the ordinary management of a farm; although that part of the same, which composes the woodland belonging to such farm and used therewith as a woodlot, is not so enclosed.

13 Me. 135; 29 Me. 131; 57 Me. 269; 61 Me. 419; 72 Me. 333; *83 Me. 102; 87 Me. 319; *118 Me. 242; 121 Me. 265; 126 Me. 299.

Sec. 11. Limitation not to take effect in certain cases, when first suit fails. R. S. c. 110, § 11. If a writ in a real or mixed action fails of sufficient service or return by unavoidable cause; or if by the default or negligence of any officer to whom it was delivered or directed for service, the writ is abated; or if the action is defeated for any matter of form, or by the death or other disability of either party; or if the demandant's judgment is reversed on writ of error, the demandant may commence a new action at any time within six months after the abatement or determination of the first suit, or the reversal of the judgment.

Sec. 12. Right of way, or other easement, is not acquired but by adverse use; how prevented by notice. R. S. c. 110, § 12. 1929, c. 158, § 1. No person, class of persons or the public, shall acquire a right of way, or other easement through, in, upon or over, the land of another by the adverse use and enjoyment thereof, unless it is continued uninterruptedly for twenty years; if a person apprehends that a right of way or other easement in or over his land may be acquired by custom, use or otherwise by any person, class of persons, or the public, he may give public notice of his intention to prevent the acquisition of such easement by causing a copy of such notice to be posted in some conspicuous place upon the premises for six successive days and such posting shall prevent the acquiring of such easement by use for any length of time thereafter; or he may prevent a particular person or persons from acquiring such easement by causing an attested copy of such notice to be served by an

officer qualified to serve civil process upon him or them in hand or by leaving it at his or their dwelling-house, or, if the person to whom such notice is to be given is not in the state such copy may be left with the tenant or occupant of the estate, if any; if there is no such tenant or occupant, a copy of such notice shall be posted for six successive days in some conspicuous place upon such estate. Such notice from the agent, guardian or conservator of the owner of land shall have the same effect as a notice from the owner himself. A certificate, by an officer qualified to serve civil process, that such copy has been served or posted by him as above provided, if made upon original notice and recorded with it, within three months after the service or posting, in the registry of deeds for the county or district in which the land lies, shall be conclusive evidence of such service or posting.

63 Me. 436.

Sec. 13. Right of way not to be extinguished by adverse obstruction, unless such obstruction has continued for twenty years; interruption by notice. R. S. c. 110, § 14. 1929, c. 158, § 3. No right of way or other easement existing in, upon, over, or through the land of another, shall be extinguished by the adverse obstruction thereof, unless such adverse obstruction has been continued uninterruptedly for twenty years; and a notice in writing given by the owner of such right of way or other easement to the person whose land is subject thereto, setting forth said owner's intention to contest the extinguishment of such right of way or other easement, and duly served and recorded as provided in section twelve, shall be deemed an interruption of such obstruction and prevent the extinguishment of such right of way or other easement.

Sec. 14. Trespassers of wild lands; notice to quit may be served; return and record; effect of proceedings. R. S. c. 110, § 16. If any person without right dwells upon or in any manner occupies any lands which on the first day of April, eighteen hundred eighty-three, were wild lands, any owner of such wild lands or of any legal or equitable interest therein may cause a notice to quit such lands to be served upon such person by any sheriff or deputy sheriff, by giving the same to such person in hand. Such officer shall make his return upon a copy of such notice certified by him to be a true copy, and within sixty days thereafter such owner may cause such copy and return to be recorded in the registry of deeds in the county or district where said land is located. Proceedings had and taken as above specified shall bar such person who has so entered or dwells upon such wild land from obtaining any rights by adverse possession to the land upon which he has so entered; provided, however, such person shall be entitled to the benefits of all the provisions of law relating to betterments.

Sec. 15. No action, for recovery of land, after forty years' possession. R. S. c. 110, § 17. No real or mixed action, for the recovery of lands, shall be commenced or maintained against any person in possession thereof, when such person or those under whom he claims have been in actual possession for more than forty years, claiming to hold them by adverse, open, peaceable, notorious, and exclusive possession, in their own right.

*109 Me. 67.

Sec. 16. Limitations of actions for uncultivated lands in incorporated places. R. S. c. 110, § 18. No real or mixed action, for the recovery of uncultivated lands or of any undivided fractional part thereof, situated in any place incorporated for any purpose, shall be commenced or maintained against any person, or entry made thereon, when such person or those under whom he claims have, continuously for the twenty years next prior to the commencement of such

action, or the making of such entry, claimed said lands or said undivided fractional part thereof under recorded deeds; and have, during said twenty years, paid all taxes assessed on said lands, or on such undivided fractional part thereof, however said tax may have been assessed whether on an undivided fractional part of said lands or on a certain number of acres thereof equal approximately to the acreage of said lands or of said fractional part thereof; and have, during said twenty years, held such exclusive, peaceable, continuous, and adverse possession thereof as comports with the ordinary management of such lands or of undivided fractional parts of such lands, in this state.

118 Me. 129; 119 Me. 90; 119 Me. 269; 122 Me. 409; 126 Me. 305.

CHAPTER 120.

The Selection and Service of Jurors.

- Sections 1-7 List of Jurors; its Preparation.
 Sections 8-10 Issue and Service of Venires.
 Sections 11-16 Draft of Jurors; Their Attendance.
 Sections 17-21 Penalties.

List of Jurors; its Preparation.

Sec. 1. Board for preparing list of jurors; action of town. R. S. c. 111, § 1. The municipal officers, treasurer, and clerk of each town, constitute a board for preparing lists of jurors to be laid before the town for their approval; and the town, in legal town meeting, by a majority of the voters assembled, may strike out such names as they think proper from such lists, but shall not insert any others.

See § 16.

Sec. 2. Preparation of lists of persons qualified to serve as jurors; indorsement on old tickets transferred to new. R. S. c. 111, § 2. 1921, c. 180, § 1. Such board, at least once in every three years, shall prepare a list of persons, under the age of seventy years, qualified to serve as jurors; and in preparing such list they shall take the names of such persons only as are of good moral character, of approved integrity, of sound judgment and well informed, and qualified as the constitution directs to vote for representatives in such town, but no person shall be disqualified by reason of sex. When a new list is made, the municipal officers shall transfer from the old to the new tickets of the same persons, the minutes of the draft made within the three preceding years.

79 Me. 126; *125 Me. 327.

Sec. 3. Persons exempted from serving as jurors. R. S. c. 111, § 3. 1921, c. 180, § 2. The following persons are exempt from serving as jurors, and their names shall not be placed on the lists; the governor, councilors, judges, and clerks of common law courts, secretary and treasurer of the state, all officers of the United States, judges and registers of probate, registers of deeds, settled ministers of the gospel, officers of colleges, preceptors of incorporated academies, physicians and surgeons, nurses, cashiers of incorporated banks, sheriffs and their deputies, counselors and attorneys at law, county commissioners, constables, all persons engaged in the unlawful traffic in intoxicating liquors, or who are known to be habitually addicted to the use of intoxicating liquors as a beverage, and constant ferrymen.

See c. 18, § 74; c. 35, § 3; 26 Me. 360; 79 Me. 120; *125 Me. 327.