

# 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)

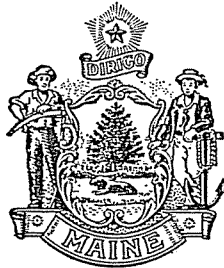
EIGHTH REVISION

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT  
DECEMBER 30, 1944

VOLUME II



By the Authority of the Legislature

---

AUGUSTA  
KENNEBEC JOURNAL PRINT

thereof; although the tenant and those claiming under the state had not been in possession during 6 years.

**Sec. 17. Proceedings by attorney-general to obtain betterments. R. S. c. 107, § 17.** For the purpose of ascertaining the amount of such improvements, the attorney-general or the tenant or grantee of the estate may file a bill in equity in the supreme judicial court or in the superior court for recovering the same; and proceedings shall be had thereon as in other cases in equity to ascertain and adjust the amount.

**Sec. 18. Execution, how to be levied. R. S. c. 107, § 18.** The sheriff, by virtue of such execution, shall sell at public auction so much of said land as is sufficient to satisfy the execution and charges unless otherwise paid.

---

## CHAPTER 160.

### LIMITATIONS OF REAL ACTIONS. RIGHTS OF ENTRY.

**Sec. 1. Rights of entry and action are barred in 20 years. R. S. c. 119, § 1.** No person shall commence any real or mixed action for the recovery of lands, or make an entry thereon, unless within 20 years after the right to do so first accrued, or unless within 20 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; 122 Me. 81, 156.

**Sec. 2. When right shall begin to run. R. S. c. 119, § 2.** If such right or title first accrued to an ancestor, predecessor, or other person under whom the demandant claims, said 20 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. 119, § 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 devisor; 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. 119, § 4.** The preceding section 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. 119, § 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. 119, § 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 5 years after the death, resignation, or removal of the person disseized, notwithstanding 20 years after disseizin have expired.

**Sec. 7. Saving in favor of minors, and other disabled persons.** R. S. c. 119, § 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 10 years after such disability is removed, notwithstanding 20 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. 119, § 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 10 years after his death, notwithstanding the 20 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 remainderman dies, before expiration of the limitation.** R. S. c. 119, § 9. When a tenant in tail or a remainderman 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 remainderman 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 remainderman, if he had so long lived, might have done it.

**Sec. 10. What constitutes a disseizin to bar right of recovery.** R. S. c. 119, § 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. 259, 265; 126 Me. 299; 130 Me. 449.

**Sec. 11. Limitation not to take effect in certain cases, when first suit fails.** R. S. c. 119, § 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 6 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. 119, § 12. 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 20 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 6 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 6 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 3 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; 115 Me. 227.

**Sec. 13. Right of way not to be extinguished by adverse obstruction, unless such obstruction has continued for 20 years; interruption by notice.** R. S. c. 119, § 13. 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 20 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 12, shall be deemed an interruption of such obstruction and prevent the extinguishment of such right of way or other easement.

**Sec. 14. Trespassers on wild lands; notice to quit may be served; return and record; effect of proceedings.** R. S. c. 119, § 14. If any person without right dwells upon or in any manner occupies any lands which on the 1st day of April, 1883, 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 60 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 40 years' possession.** R. S. c. 119, § 15. 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 40 years, claiming to hold them by adverse, open, peaceable, notorious, and exclusive possession, in their own right.

See c. 84, § 102, re action for recovery of land after 40 years' possession; c. 158, § 44, re cases in which title deeds may be impeached; \*109 Me. 67.

**Sec. 16. Limitations of actions for uncultivated lands in incorporated places.** R. S. c. 119, § 16. 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 20 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 20 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 20 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, 269; 122 Me. 409; 126 Me. 299, 305.

---

## CHAPTER 161.

### ACTIONS OF DOWER.

**Sec. 1. Widow may sue for dower.** R. S. c. 117, § 1. When a woman is entitled to dower and it is not lawfully set out to her by the heir or tenant of the freehold, she may recover it by a writ of dower as herein provided.

39 Me. 428; 69 Me. 546.

**Sec. 2. Demand and time of bringing action.** R. S. c. 117, § 2. She must demand her dower of the person who is, at the time, seized of the freehold, if in the state, otherwise, of the tenant in possession, and shall not commence her action of dower before 1 month nor after 1 year from the time of demand; but she may make a new demand and commence an action thereon, if an action is not brought within 1 year after the first demand.

35 Me. 95; 36 Me. 435; 37 Me. 514; 41 Me. 231; 45 Me. 487; 51 Me. 368; 55 Me. 372; 64 Me. 242; 70 Me. 180, 234; \*82 Me. 236; \*106 Me. 379.

**Sec. 3. Demand on a corporation.** R. S. c. 117, § 3. When a corporation is the tenant of the freehold, she must demand her dower in writing of any officer thereof on whom a writ in a civil action against it may be served; and the time between the demand and the suit shall be 60 days; but a second demand may be made as aforesaid.

70 Me. 181; \*106 Me. 379.