

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1955 SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1955

Chapter 169.

Wills.

Wills.

Sec. 15. Will to be effective, proved and allowed.

Title of devisee dates from testator's death only after will proved and allowed.—The title of a devisee dates from the date of a testator's death only after a will has been proved and allowed, and an assess-

ment against decedent's heirs is valid when made prior to the proof and allowance of a will. *Gray v. Hutchins*, 150 Me. 96, 104 A. (2d) 423.

Chapter 176.

Partition of Real Estate.

Sec. 13. Commissioners appointed.

Commissioners decide questions relating to valuation and division of land.—The legislature has placed in the commissioners, and not in the court, the responsibility

for deciding questions relating to the valuation and division of real estate. *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

Sec. 21. Report; judgment; effect.

The court may confirm, recommit, or set aside, but may not alter or change the report. The final decision upon the partition must come from the commissioners. *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

for partition. *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

Report set aside or recommitted for bias, prejudice or gross error.—If the commissioners reach their result through bias or prejudice, or gross error clearly and unmistakably shown, the report should be set aside or recommitted. *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

Grounds for objection to confirmation.—The report is not final. Commissioners must follow the warrant, and failure so to do is good ground for objection to the confirmation of the report. There must be no irregularities in procedure. Examples are: lack of proper notice by the commissioners; the report not showing equal division as to value; and the appraisal of a building by commissioners when the duty to appraise was not included in the judgment

Unequal allotments. — The action of commissioners in partition will not be set aside on the ground of unequal allotments except in extreme cases. *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

Evidence to be considered by court in passing on objections.—See *Morse v. Morse*, 150 Me. 174, 107 A. (2d) 496.

Chapter 178.

Mortgages of Personal Property. Liens. Pledges.

Liens on Vehicles.

Sec. 62. Liens on vehicles, aircraft and parachutes.

Possession need not be retained for preservation of lien.—Possession need not be retained by a garageman for preservation of his statutory lien for repairs. *Universal C. I. T. Credit Corp. v. Lewis*, 150 Me. 337, 110 A. (2d) 595.

Garageman may treat vendee under un-

recorded conditional sale contract as owner.—Until a conditional sales agreement is properly recorded, a garageman may properly treat a conditional vendee as owner under the lien statutes. *Universal C. I. T. Credit Corp. v. Lewis*, 150 Me. 337, 110 A. (2d) 595.