

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

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1841.

CHAP. 127. recovering the same; and, after due notice and a copy of the bill, served on the defendant fourteen days before court, such court may try the cause, with or without a jury, according to the principles of law, and render judgment and issue execution for the sum found due.

Execution therefor, how levied. 1821, 43, § 6.

SECT. 19. The sheriff, by virtue of such execution, shall sell, at public auction, so much of said land, as will be sufficient to satisfy the execution and charges, unless otherwise paid.

CHAPTER 128.

OF FORCIBLE ENTRY AND DETAINER.

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| SECT. 1. Jurisdiction of justices of the peace and quorum. | SECT. 4. Proceedings, if defendant plead title. |
| 2. Warrant and service thereof, in such cases. | 5. Cases, in which this process lies, for unlawful detention. |
| 3. Judgment for complainant, and writ of possession. | 6. Jurisdiction of municipal and police courts. |

Jurisdiction of justices of the peace and quorum. 1824, 268, § 1. 4 Greenl. 484.

SECTION 1. Any justice of the peace and of the quorum, in the county in which he resides, shall have jurisdiction in all cases of forcible entry and detainer, except those arising within a city or town therein, in which a municipal or police court is, or may be established.

Warrant and service thereof, in such cases. 1824, 268, § 2.

SECT. 2. On complaint made to him, in writing and on oath, of any unlawful and forcible entry into any lands or tenements; or any unlawful and forcible detainer, he shall issue his warrant under hand and seal, directed to the sheriff or his deputy, or a constable of the town, where the person charged resides, to summon him to shew cause, why judgment should not be rendered against him; which summons shall be served upon him, by reading the same in his presence and hearing, or by delivering him a copy, or leaving it at his last and usual place of abode, seven days at least before the day set for trial.

Judgment for complainant, and writ of possession. 1824, 268, § 1, 2.

SECT. 3. On return of such service, in case of the non appearance and default of the party charged, or his failing to show sufficient cause, judgment shall be rendered against him for possession of the premises, and the justice shall issue a writ of possession to remove him.

Proceedings, if defendant plead title. 1824, 268, § 3.

SECT. 4. Should the defendant plead not guilty to the complaint, and file a brief statement of title in himself, or some other person under whom he claims the premises in question, the justice shall thereupon order him to recognize to the complainant, with sufficient sureties, in such sum as the justice shall order, to pay all intervening damages and costs, and reasonable intervening rent for the premises; and said justice shall require the complainant to recognize to the defendant, with sufficient sureties in a reasonable sum, conditioned to enter the action at the next district court, and prosecute the same to final judgment, and pay all costs adjudged against him; and, if either party shall refuse so to recognize, said

justice shall enter judgment, as in case of nonsuit or default, against the party, so neglecting or refusing. Either party may appeal from the judgment of the justice, upon issue joined, to the next district court, recognizing, as aforesaid, to pay such costs as may be adjudged against him; and, if the defendant shall appeal, he shall recognize to pay such reasonable intervening rent for the premises, as such justice shall adjudge, in case his judgment shall not be reversed on such appeal.

SECT. 5. Whenever a tenant, whose estate in the premises is determined, shall unlawfully refuse to quit the same, after thirty days' notice in writing, given by the lessor for that purpose, he shall be liable to the provisions of this act; provided, he shall not have been in quiet possession of the premises three whole years, next preceding the filing of such complaint.

SECT. 6. Every municipal and police court, now established, or which may be established, in any city or town, shall have exclusive jurisdiction of all cases of forcible entry and detainer, arising in the city or town, where such court is or shall be established; and concurrent jurisdiction with justices of the peace and quorum, in such cases, arising in the counties in which they are or shall be respectively established.

CHAP. 128.

Appeal.
12 Pick. 118.

Cases, in which this process lies, for unlawful detention. 1824, 368, § 4. 10 Mass. 403. 13 Maine, 162, 209.

Jurisdiction of municipal and police courts. 1826, 324, § 1.

CHAPTER 129.

OF WASTE, AND TRESPASSES ON REAL ESTATE.

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| <p>SECT. 1. Remedy, if tenant for life or years commit waste.</p> <p>2. Heir may sue for waste committed in his ancestor's time.</p> <p>3. Proceedings in court thereon.</p> <p>4. Action on the case may be brought.</p> <p>5. Reversioner and remainder man may sue.</p> <p>6. Such action will lie against executors or administrators.</p> <p>7. Part owners not to commit waste, without giving thirty days notice.</p> <p>8. Treble damages in such case, how recovered and appropriated.</p> <p>9. Qualification of these provisions.</p> <p>10. Trespass on lands of another, without his consent.</p> <p>11. Waste on lands, pending an action therefor.</p> | <p>SECT. 12. Trespasses on public buildings or property.</p> <p>13. Trespasses, by taking grass, fruit or other vegetables from improved land.</p> <p>14. Injunction, to prevent waste on lands under attachment.</p> <p>15. Penalty, for waste on lands of a person deceased insolvent.</p> <p>16. Liability of executor or administrator for committing such waste.</p> <p>17. One or more tenants in common may join or sever, in actions for damages.</p> <p>18. Notice to the other cotenants, who may become parties.</p> <p>19. Mode of entering judgment, and awarding execution.</p> <p>20. Scire facias by the other cotenants, on such judgment.</p> |
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SECTION 1. If any tenant in dower, or by the curtesy, or tenant for life or years shall commit or suffer any waste on the premises, the person, having the next immediate estate of inheritance therein, may have an action of waste against such tenant, wherein he shall recover the place wasted, and the amount of damages done to the premises.

Remedy, if tenant for life or years commit waste. 8 Pick. 309.