

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 93.
betterments.
R.S., c. 93, § 16.

Proceedings
by attorney
general to
obtain
betterments.
R.S., c. 93, § 17.

Execution,
how to be
levied.
R.S., c. 93, § 18.

the estate shall be liable for all expenses of improvements thereon over and above the rents and profits thereof; although the tenant and those claiming under the State had not been in possession during six years.

SEC. 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 for recovering the same; and proceedings shall be had thereon as in other cases in equity to ascertain and adjust the amount.

SEC. 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 94.

FORCIBLE ENTRY AND DETAINER. TENANCIES.

- SEC. 1. Forcible entry and detainer, against whom it may be commenced.
2. Tenancy at will, or sufferance, and tenancies of buildings on land of third party, how to be terminated.
3. What magistrates have jurisdiction.
4. Complaint shall be inserted in writ; any person may recognize for non-resident plaintiff.
5. When defendant fails to show sufficient cause or is defaulted, proceedings.
6. When defendant files a brief statement claiming title in himself or another, proceedings.
7. Claimant may allege that brief statement is intended for delay, proceedings.
8. Either party may appeal; proceedings.
9. When judgment of magistrate is for claimant, he shall in all cases have possession, on filing recognizance.
10. Sums due for rent, and claims for damages, may be recovered by action of assumpsit.

Forcible
entry and
detainer,
against
whom it
may be
commenced.
R.S., c. 94, § 1.

SEC. 1. Process of forcible entry and detainer may be maintained against a disseizor who has not acquired any claim by possession and improvement; against a tenant holding under a written lease or contract, or person holding under such tenant, at the expiration or forfeiture of the term, without notice, if commenced within seven days from the expiration or forfeiture of the term; and against a tenant at will, whose tenancy has been terminated as provided in the following section. (a)

Tenancy at
will, how
it may be
determined.
1880, c. 219.

SEC. 2. Tenancies at will may be determined by either party, by thirty days' notice in writing for that purpose, given to the other party, and not otherwise save by mutual consent, excepting cases where the tenant, if liable to pay rent, shall not be in arrears at the expiration of the notice, in which case the thirty days aforesaid shall be made to expire upon a rent day. When the tenancy is terminated, the tenant is

(a) 18 Me., 268; 25 Me., 285; 30 Me., 180; 35 Me., 217; 46 Me., 278, 550; 57 Me., 390; 65 Me., 226; 67 Me., 266; 69 Me., 482; 70 Me., 209; 72 Me., 28, 45.

liable to the process of forcible entry and detainer without further notice and without proof of any relation of landlord and tenant, unless he has paid, after service of the notice, rent that accrued after the termination of the tenancy. These provisions apply to tenancies of buildings erected on land of another party. (a) CHAP. 94.
—applies to
buildings on
land of an-
other party.

SEC. 3. Trial justices and judges of municipal and police courts have jurisdiction of cases of forcible entry and detainer respecting estates within their counties. Such judges have exclusive jurisdiction of such cases within their cities or towns, unless interested. (b) What magis-
trates have
jurisdiction.
R.S., c. 94, § 3.

SEC. 4. The process of forcible entry and detainer shall be commenced by inserting the substance of the complaint, as a declaration, in a writ of attachment, to be indorsed and served like other writs; and when the plaintiff lives out of the state, and a recognizance is required of him, any person may recognize in his behalf and shall be personally liable. How to be
commenced;
recognizance,
when plain-
tiff lives out
of state.
R.S., c. 94, § 4.
71 Me., 209.

SEC. 5. When the defendant is defaulted, or fails to show sufficient cause, judgment shall be rendered against him for possession of the premises, and a writ of possession be issued to remove him, which may be served by a constable. When writ of
possession
shall issue.
R. S., c. 94, § 5.
—service.

SEC. 6. When the defendant pleads not guilty and files a brief statement of title in himself or in another person under whom he claims the premises, he shall, except as hereinafter provided, recognize in a reasonable sum to the claimant, with sufficient sureties, conditioned to pay all intervening damages and costs and a reasonable rent for the premises; and the claimant shall in like manner recognize to the defendant, conditioned to enter the suit at the next term of the supreme judicial or superior court, and to pay all costs adjudged against him. If either party neglects so to recognize, judgment shall be rendered against him as on nonsuit or default. Proceedings,
when de-
fendant files
a brief state-
ment of title.
R.S., c. 94, § 6.
36 Me., 431.
49 Me., 41.
53 Me., 159.
65 Me., 229.
68 Me., 120.

SEC. 7. But the claimant may make a written allegation, that the brief statement of the defendant is frivolous and intended for delay, and the magistrate shall then examine the case so far as to ascertain the truth of such allegation, and if satisfied of the truth thereof, he shall proceed to try the cause upon the plea of not guilty, and if it is determined in favor of the claimant, he may issue a writ of possession for removal of the defendant; but this shall not prevent an appeal as provided in the following section. Claimant
may allege
that brief
statement
is intended
for delay;
proceedings.
R.S., c. 94, § 7.

SEC. 8. Either party may appeal from a judgment to the supreme judicial or superior court next to be held in the county. When the claimant appeals, he shall recognize in manner aforesaid to the defendant, except as hereinafter provided, conditioned to enter the suit and to pay all costs adjudged against him. When the defendant appeals, he shall recognize in like manner to the claimant, conditioned to enter the suit and to pay all intervening costs and such reasonable rent of the premises, as the magistrate shall adjudge, if the judgment is not reversed. Either party
may appeal;
proceedings.
R.S., c. 94, § 8.
36 Me., 432.
68 Me., 120.

(a) 13 Me., 215; 21 Me., 116; 24 Me., 247; 35 Me., 506; 36 Me., 135; 46 Me., 552; 62 Me., 117, 551; 67 Me., 266; 71 Me., 550; 72 Me., 28, 135; 74 Me., 560.

(b) 38 Me., 484; 51 Me., 479; 53 Me., 159.

CHAP. 94.

When judgment is rendered for claimant, he shall in all cases have immediate possession, on filing recognition.
R.S., c. 94, § 9.

SEC. 9. When judgment is rendered for the claimant, a writ of possession shall issue in all cases, if the claimant recognizes to the defendant in the manner before provided, conditioned to pay all such damages and costs as may be awarded against him if final judgment is rendered for the defendant; and if on trial the jury find for the defendant, they shall also find the damages sustained by him; in case of nonsuit his damages shall be assessed by the court; and in either case the claimant may give evidence of any claim for rent of the premises, to be set off against damages claimed by the defendant. If the defendant prevails, the court may or not, as justice requires, issue a writ to restore to him possession of the premises.

Sums due for rent and damages, how to be recovered.
R.S., c. 94, § 10.

SEC. 10. Sums due for rent on leases under seal or otherwise, and claims for damages to premises rented, may be recovered in an action of assumpsit, on account annexed to the writ, specifying the items and amount claimed.

CHAPTER 95.

WASTE AND TRESPASS ON REAL ESTATE.

- SEC. 1. Remedy, if tenant for life or years commits waste; heir may sue for waste committed in his ancestor's time, as well as in his own.
2. Proceedings in court; jury shall assess damages, with or without a view. Action on the case may be brought instead of waste.
3. Reversioner and remainder man may sue for damages.
4. The action will lie against the executor or administrator.
5. Part owners shall not commit waste, without giving thirty days' notice; treble damages in such case; how recovered and appropriated.
6. Defendant shall not pay treble damages in certain cases.
7. Injunction, to prevent waste, pending a process for the recovery of lands, and on lands attached.
8. Treble damages may be recovered for waste on lands, pending a suit therefor.
9. Trespass on lands of another, without his consent.
10. Trespases on public buildings, or on property of county, town, parish or school district; treasurer may sue.
11. Trespases upon improved or ornamental grounds, penalty for.
12. Trespasers on islands in salt waters after notice, are liable to actual and exemplary damages. How to be recovered. Evidence.
13. Notices, how to be given. Penalty for injuring sign-boards.
14. Damages and penalties, how and where to be recovered.
15. Imprisonment of trespasser, in default of payment.
16. Penalty for waste, on lands of a person dying insolvent.
17. Liability of executor or administrator, for committing waste.
18. Tenants in common may join or sever in actions for damages. Notice shall be given to the other co-tenants, who may become plaintiffs.
19. Judgment shall be rendered for the whole damage, and execution shall issue for the proportion which plaintiffs have sustained. Scire facias on such judgment, by the other co-tenants, for their shares.
20. If one or more joint tenants take the whole rent, the co-tenants may recover their share, after demand.

Remedy, if

SEC. 1. If a tenant in dower, by courtesy, for life, or for years, com-