

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1853.

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

THIRTY-SECOND LEGISLATURE.

HOUSE.]

[No. 11.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY-THREE.

AN ACT in relation to tenancies, and to amend chapter one hundred and twenty-eight of the Revised Statutes.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. A tenancy at will may be terminated
2 by notice in writing served upon the occupant thirty
3 days before the time fixed in said notice for the ter-
4 mination thereof. And when a tenancy, at will or
5 otherwise, has terminated, the tenant shall be consid-
6 ered as having no further right to retain possession,
7 by virtue of such tenancy, and as entitled to no fur-
8 ther notice, but shall be liable to the proceedings

9 specified in chapter one hundred and twenty-eight of
10 the revised statutes, and in this act, at any time after-
11 wards, unless he shall have paid rent for the demand-
12 ed premises which shall have accrued for the occupa-
13 tion thereof after the termination of his tenancy.
14 *Provided*, that if no rent is due when said notice is
15 given, said tenancy shall not be considered as termi-
16 nated until rent shall become due, except at the
17 option of the tenant.

SECT. 2. When judgment shall be rendered for the
2 complainant, on a complaint for forcible entry and
3 detainer, or forcible detainer, under the provisions of
4 chapter one hundred and twenty-eight of the revised
5 statutes, or any other act in relation to that process,
6 by any judge of a municipal court, or justice of the
7 peace, having jurisdiction thereof, such judge, or
8 justice, may issue his writ of possession as provided
9 in section third of said chapter, notwithstanding an
10 appeal from such judgment as provided in the fourth
11 section, *provided* said complainant shall recognize to
12 the defendant in such sum as the judge or justice
13 shall order, with sufficient sureties, to pay all such
14 damages and costs as may be finally awarded against
15 him, should such judgment be reversed, and judgment

16 be finally rendered for the defendant. And the court
17 before which such appeal may be tried shall direct
18 the jury, if they find for the defendant, to estimate the
19 damages sustained by the defendant and return their
20 verdict therefor. And in case of nonsuit, such dam-
21 ages may be determined by the court. And the
22 plaintiff in any such case may be permitted to give
23 evidence upon the trial, of any claim for rent of the
24 demanded premises which he may have against the
25 defendant, and may recover judgment and have exe-
26 cution for the balance, if any, that may be found due
27 to him. And it shall be in the discretion of the court
28 whether a writ of possession shall be issued to restore
29 the premises to the defendant, but he shall, if he
30 prevails, be entitled to his costs, whether such writ of
31 possession is awarded or not.

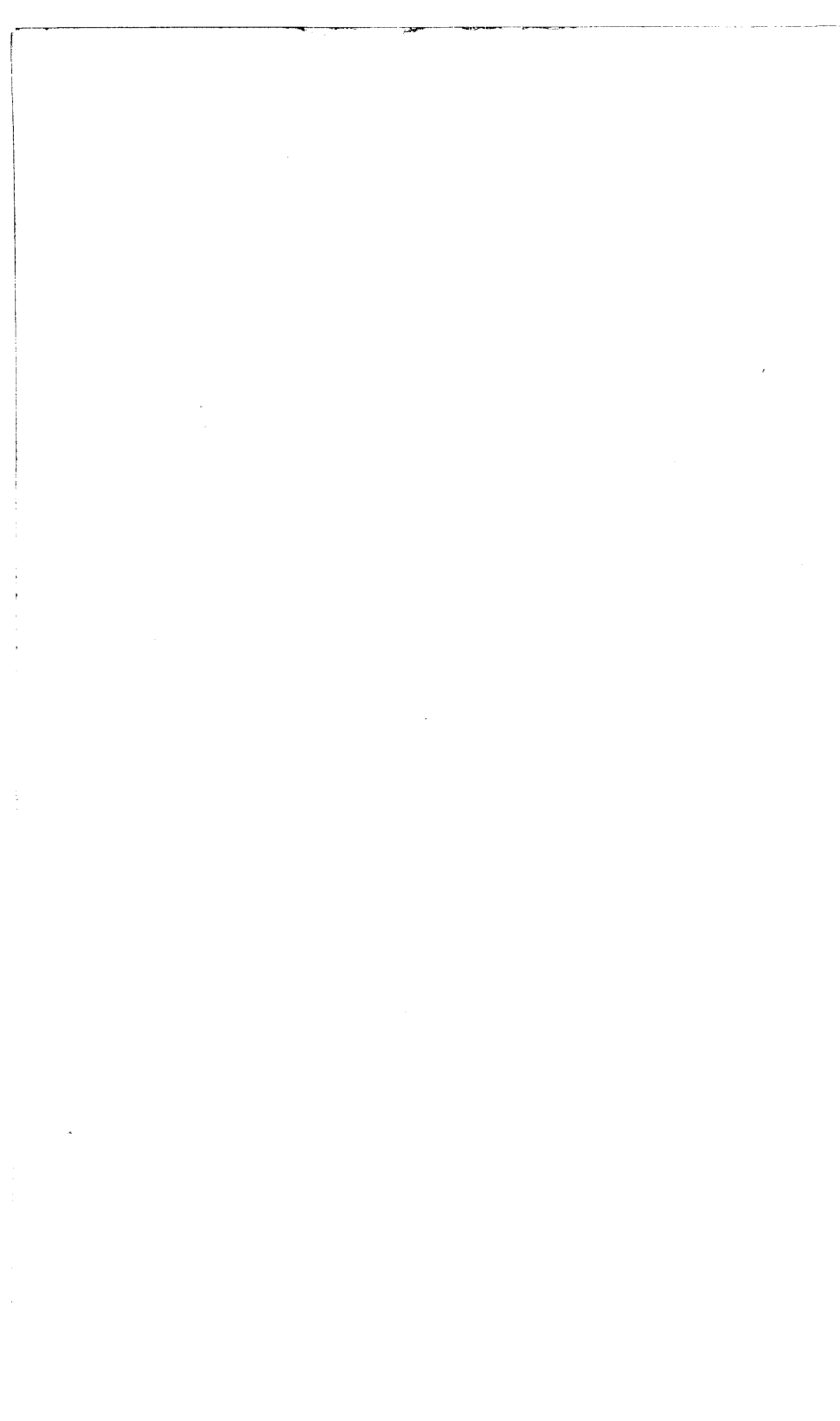
SECT. 3. Should the defendant in any such pro-
2 ceeding plead not guilty, and file a brief statement as
3 provided in the fourth section of said one hundred
4 and twenty-eighth chapter, the judge, or justice, may,
5 notwithstanding, if requested by the complainant in
6 writing, so far proceed to examine the case as to
7 ascertain to his satisfaction whether such brief state-
8 ment is frivolous and intended merely for delay ; and

9 if upon such examination such judge, or justice, shall
10 so determine, and adjudge, he may then proceed to
11 try and adjudicate upon the plea of not guilty, and if
12 the same is determined in favor of the complainant,
13 such judge or justice may issue his writ of possession
14 as provided in the preceding section of this act.
15 And the same proceedings may be had upon such
16 appeal as are provided in the preceding section of
17 this act. And if the defendant fails to recover upon
18 such appeal, the complainant shall be entitled to
19 double costs.

SECT. 4. Where a tenancy has terminated, and
2 the tenant, or occupant, refuses or neglects to leave
3 the premises for twenty-four hours after being notified
4 of the intention of the person legally entitled to the
5 possession or occupation thereof to take possession
6 of the same, such person may proceed to take possess-
7 ion of such premises, either in person or by an agent
8 or agents appointed in writing for that purpose,
9 and may remove therefrom any property of the ten-
10 ant or occupant, with as little injury thereto as possi-
11 ble, and may also remove the person of such tenant
12 or occupant, if necessary. And the person so enti-
13 tled to possession, or his agent, or agents, shall not

14 be responsible in damages for such removal, except
15 for carelessness and negligence, or for unnecessary
16 violence. And any person having the legal right to
17 the possession of any premises shall have all the pow-
18 ers granted by this section against an intruder thereon.

SECT. 5. All sums due for rent, whether upon lease
2 under seal or otherwise, and all claims for damages
3 by a tenant to premises under rent, may be recovered
4 in an action of assumpsit, on an account annexed to
5 the writ, specifying the items and amounts of charge
6 claimed to be recovered.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES, Feb. 11, 1853.

ORDERED, That 350 copies of the foregoing Bill, reported by the Committee on the Judiciary, be printed for the use of the Legislature.

A. B. FARWELL, *Clerk.*