

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 433

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE.

AN ACT to amend section six of chapter one hundred six of the
Revised Statutes relating to real actions.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section six of chapter one hundred six of the
2 Revised Statutes is hereby amended by striking out in the
3 sixth and seventh lines the words "unless by leave of Court
4 the time therefor is enlarged" and inserting instead thereof
5 the words "but by leave of Court the time therefor may be
6 enlarged, or permission to file such disclaimer may after-
7 wards be granted by the Court," so that said section as
8 amended shall read as follows:

'Section 6. Every person alleged to be in possession of the
10 premise demanded in such writ, claiming any freehold there-

11 in, may be considered a disseizor for the purpose of trying
12 the right; but the defendant may plead in abatement, but not
13 in bar, that he is not tenant of the freehold, or he may plead
14 it by a brief statement under the general issue, filed within
15 the time allowed for pleas in abatement; but by leave of
16 Court the time therefor may be enlarged, or permission to
17 file such disclaimer may afterwards be granted by the Court;
18 and he may show that he was not in possession of the prem-
19 ises when the action was commenced, and disclaim any right,
20 title or interest therein, and proof of such fact shall defeat
21 the action; and if he claimed, or was in possession of only a
22 part of the premises when the action was commenced, he
23 shall describe such part in a statement signed by him or his
24 attorney and filed in the case, and may disclaim the residue;
25 and if the facts contained in such statement are proved on
26 trial, the demandant shall recover judgment for no more
27 than such part.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 4, 1909.

Reported by Mr. COOLIDGE from Committee on Legal Affairs and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*