

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

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.....
1821.

manner as witnesses before referees appointed by a rule of Court as aforesaid.

SEC. 5. *Be it further enacted*, That upon any report of referees returned into any Circuit Court of Common Pleas, in pursuance of this Act, and also upon any report made by referees appointed by a rule of any Circuit Court of Common Pleas, wherein it is agreed, at the time of entering into such rule, that the report of said referees shall be final, the judgment of said Circuit Court of Common Pleas, shall be final accordingly.

Judgment on reports of referees to be final.

[Approved January 27, 1821.]

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CHAPTER LXXIX.

An Act directing the proceedings against Forcible Entry and Detainer.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That two Justices of the Peace, quorum unus, shall have authority to inquire by a Jury, as hereinafter directed, as well against those who make unlawful and forcible entry into lands or tenements, and with a strong hand detain the same, as against those who, having a lawful and peaceable entry into lands or tenements, unlawfully and by force hold the same; and if it be found upon such inquiry, that an unlawful and forcible entry hath been made, and that the same lands or tenements are held and detained with force and strong hand, or that the same after a lawful entry are held unlawfully and with force and a strong hand, then that such Justices shall cause the party complaining to have restitution thereof.

Two Justices, quorum unus, may inquire and decide by Jury.

SEC. 2. *Be it further enacted*, That when complaint shall be formally made in writing to any two Justices of the Peace, quorum unus, of any unlawful and forcible entry into any lands or tenements and detainer as aforesaid, or of any unlawful and forcible detainer of the same after a peaceable entry, they shall make out their warrant under their hands and seal, directed to the Sheriff of the same county or his deputy, commanding him in behalf of the State, to cause to come before them, twelve good and lawful men of the same county, and they shall be empannelled to inquire into the

Mode of proceeding on complaint to Justices.

Jury to be empannelled.

Summons to issue to party complained against.

Mode of service, &c.

forcible entry or forcible detainer complained of, which warrant shall be in the form prescribed by law; and the said Justices shall make out their summons to the party complained against, in form prescribed by law. Which summons shall be served upon the party complained against, or a copy thereof left at his usual place of abode, seven days before the day appointed by the Justices for the trial; and if after the service of such summons, the party does not appear to defend, the Justices shall proceed to the inquiry in the same manner as if he was present; and when the Jury shall appear, and shall have elected a foreman as in other cases, the Justices shall lay before the Jury the exhibited complaint and shall administer the following oath to them, viz:

[Foreman's Oath.]

Foreman's oath.

You, as Foreman of this Jury do solemnly swear, that you will well and truly try, whether the complaint of A. B. now laid before you, is true according to your evidence. So help you GOD.

[The other Jurors' Oath.]

Other Jurors' oath.

The same oath which your Foreman hath taken on his part, you and every of you shall well and truly observe and keep. So help you GOD.

And if the Jury shall find the same true, then they shall return their verdict in form following:

Form of verdict.

At a Court of inquiry held before R. S. and N. O. Esquires, two of the Justices of the Peace, within and for the said county of S. quorum unus, at D. in the said county of S. upon the — day of — in the year of our Lord —, the Jury upon their oaths do find, that the lands or tenements in D. aforesaid, bounded (or described) as follows, as in the complaint upon — day of — in the year of our Lord — was in the lawful and rightful possession of the said A. B.; and that the said E. F. did upon the same day unlawfully with force and arms, and with a strong hand, enter forcibly upon the same (or being lawfully upon the same did unlawfully with force and a strong hand) expel and drive out the said A. B.; and that he doth still continue wrongfully to detain the possession from him the said A. B. Wherefore the Jury find upon their oaths aforesaid, that the said

A. B. ought to have restitution thereof without delay. And if by accident or challenge there shall happen not to be a full Jury the Sheriff shall fill the pannel de talibus circumstantibus, as in other cases. And if the Jury, after a full hearing of the cause, shall find the complaint laid before them supported by evidence, they shall all sign their verdict in form aforesaid; otherwise the defendant shall be allowed his legal cost, and have his execution therefor.

SEC. 3. *Be it further enacted*, That if the Jury shall return their verdict, signed by the whole pannel, that the complaint is supported, the Justices shall enter up judgment for the complainant to have restitution of the premises, and shall award their writ of restitution accordingly; and no appeal shall be allowed from the judgment of the Justices: *Provided nevertheless*, That the proceedings may be removed by certiorari into the Supreme Judicial Court, holden in such county, and be there quashed for irregularity, if any such there may be; nor shall such judgment be a bar to any after action brought by either party. Which writ of restitution shall be in form prescribed by law.

Verdict to be signed by all the Jurors.

No appeal.

Proceedings may be removed by certiorari.

SEC. 4. *Be it further enacted*, That whenever any tenant whose estate in the premises is determined, shall unlawfully refuse to quit any house, land or tenement after thirty days notice given him in writing for that purpose by the lessor, his heirs or assigns, he shall be liable to the process provided by this Act; and the form of the verdict of the Jury shall be the same, mutatis mutandis, as in case of forcible entry and detainer: *Provided nevertheless*, That this Act shall not extend unto any person, who hath had the occupation or been in the quiet possession of any lands or tenements by the space of three whole years together, next before, and whose estate therein is not ended or determined.

Tenants holding over, liable to this process.

[Approved February 5, 1821.]