

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
Feb. 26, 1840, and March 16, 1842.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1853.

CHAP. 37.

Chapter 37.

An act to repeal chapter two hundred and sixty of the statutes of eighteen hundred and fifty-two.

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

Estate of illegitimate children.

The act entitled "an act additional to the ninety-third chapter of the revised statutes," approved the nineteenth day of April, one thousand eight hundred and fifty-two, is hereby repealed. And this act shall take effect and be in force from and after its approval by the governor.

[Approved March 30, 1853.]

Chapter 38.

An act altering the times of holding the several terms of the supreme judicial court in the county of Kennebec, and abolishing the criminal terms in said county.

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

Time of holding supreme court in Kennebec county, established.

SECT. 1. The terms of the supreme judicial court shall hereafter be held at Augusta, within and for the county of Kennebec, on the first Tuesday of March, third Tuesday of August and fourth Tuesday of November of each year, instead of the times now provided by law.

Criminal term abolished.

SECT. 2. The terms of said court for the transaction of criminal business, in said county of Kennebec, as provided in the sixteenth section of chapter two hundred and forty-six of the public laws of the year eighteen hundred and fifty-two, are hereby abolished, and the criminal business of the county shall hereafter be transacted at the several terms named in the first section of this act.

Criminal matters, &c., how disposed of.

SECT. 3. All criminal matters pending in said court, and continued to the next criminal term, shall be entered and have day in the term of the court herein appointed to be held on the third Tuesday of August next, and all appeals, recognizances and other processes returnable to the next criminal term, shall be returned to said August term, and the grand jurors already drawn and empanelled to serve at the criminal terms in said county, shall attend and serve at the term to be holden on the third Tuesday of August.

Civil term only, time of holding.

SECT. 4. A term of said court for the transaction of civil business only, shall be held on the third Tuesday of April of

the present year, in the same manner as if this act had not been passed.

SECT. 5. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 30, 1853.]

Chapter 39.

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:

SECT. 1. A tenancy at will may be terminated by notice in writing served upon the occupant thirty days before the time fixed in said notice for the termination thereof. And when a tenancy, at will or otherwise has terminated, the tenant shall be considered as having no further right to retain possession, by virtue of such tenancy, and as entitled to no further notice, but shall be liable to the proceedings specified in chapter one hundred and twenty-eight of the revised statutes, and in this act, at any time afterwards, unless he shall have paid rent for the demanded premises which shall have accrued for the occupation thereof after the termination of his tenancy. *Provided*, that if no rent is due when said notice is given, said tenancy shall not be considered as terminated until rent shall become due, except at the option of the tenant.

Tenancies at will, how terminated.

Right of tenant to cease, &c.

Proviso.

SECT. 2. When judgment shall be rendered for the complainant, on a complaint for forcible entry and detainer, or forcible detainer, under the provisions of chapter one hundred and twenty-eight of the revised statutes, or any other act in relation to that process, by any judge of a municipal court, or justice of the peace, having jurisdiction thereof, such judge, or justice, may issue his writ of possession as provided in section third of said chapter, notwithstanding an appeal from such judgment as provided in the fourth section, *provided* said complainant shall recognize to the defendant in such sum as the judge or justice shall order, with sufficient sureties, to pay all such damages and costs as may be finally awarded against him, should such judgment be reversed; and judgment be finally rendered for the defendant. And the court before which such appeal may be tried shall direct the jury, if they find for the defendant, to estimate the damages sustained by the defendant and return their verdict

Writ of possession.

Proviso.

Verdict of jury for damages.