

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.

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WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1853.

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.

CHAP. 40.

—in case of
nonsuit.
Claim for rent,
evidence of,
may be given
upon trial.

Writ of
possession to
defendant, &c.

Statement of
defendant,
may be
investigated
by court.

Rent and
damages, how
recovered.

Writs of pos-
session may be
served by
constables.

therefor. And in case of nonsuit, such damages may be determined by the court. And the plaintiff in any such case may be permitted to give evidence upon the trial, of any claim for rent of the demanded premises which he may have against the defendant, and may recover judgment and have execution for the balance, if any, that may be found due to him. And it shall be in the discretion of the court whether a writ of possession shall be issued to restore the premises to the defendant; but he shall, if he prevails, be entitled to his costs, whether such writ of possession is awarded or not.

SECT. 3. Should the defendant in any such proceeding plead not guilty, and file a brief statement as provided in the fourth section of said one hundred and twenty-eighth chapter, the judge, or justice, may, notwithstanding, if requested by the complainant in writing, so far proceed to examine the case as to ascertain to his satisfaction whether such brief statement is frivolous and intended merely for delay; and if upon such examination such judge, or justice, shall so determine, and adjudge, he may then proceed to try and adjudicate upon the plea of not guilty, and if the same is determined in favor of the complainant, such judge or justice may issue his writ of possession as provided in the preceding section of this act. And the same proceedings may be had upon such appeal as are provided in the preceding section of this act.

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

SECT. 5. Writs of possession issued by any judge of a municipal court, or justice of the peace, may be directed to, and served by, constables.

[Approved March 30, 1853.]

Chapter 40.

An act to amend section eighteen of chapter one hundred and fifty-one of the revised statutes.

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

Registers of
deeds, fees
established.

SECT. 1. Section eighteen of chapter one hundred and fifty-one of the revised statutes is hereby so altered that registers