

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES
VOLUME 4

Place in Pocket of Corresponding
Volume of Main Set

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

Chapter 123.

Petitions and Actions of Review.

Secs. 1-15. Repealed by Public Laws 1959, c. 317, § 268.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits

in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Chapter 124.

Waste and Trespass on Real Estate.

Sec. 1. Remedy, if tenant commits waste. — If a tenant in dower, by curtesy, for life or for years commits or suffers any waste on the premises, the person having the next immediate estate of inheritance may recover the place wasted and the damages done to the premises in an action against him. An heir may recover in the same action for waste done in his own time and in the time of his ancestor. (R. S. c. 111, § 1. 1959, c. 317, § 269.)

Effect of amendment.—The 1959 amendment divided the section into two sentences and deleted "of waste" following the word "action" near the end of the first sentence.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought

after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Sec. 2. Damages.—Any issue of fact shall be tried by a jury, with or without a view of the premises, as the court orders. The jury that inquires of the waste shall assess the damages. (R. S. c. 111, § 2. 1959, c. 317, § 270.)

Effect of amendment.—The 1959 amendment deleted the former last sentence reading "An action on the case in the nature of waste may be substituted for the action of

waste" and divided the remainder of the section into two sentences.

Effective date of 1959 amendment.—See note to § 1.

Sec. 3. Remainder man or reversioner may sue.—The remainder man or reversioner for life or for years only or in fee simple or fee tail, after an intervening estate for life, may maintain such action and recover the damages which he has suffered by the waste. (R. S. c. 111, § 3. 1959, c. 317, § 271.)

Effect of amendment.—The 1959 amendment deleted the words "of waste" after the word "action."

Effective date of 1959 amendment.—See note to § 1.

Sec. 4. Action lies against executor, etc.—Such action may be originally commenced against the executors or administrators of the tenant, or if commenced against him, it may be prosecuted against them after his death. (R. S. c. 111, § 4. 1959, c. 317, § 272.)

Effect of amendment.—The 1959 amendment deleted the words "of waste", formerly appearing after the word "action."

Effective date of 1959 amendment.—See note to § 1.

Sec. 7. Injunction to prevent waste, pending a process for the recovery of lands, and on lands attached.—If a defendant in an action to recover possession of real estate or a person whose real estate is attached in a civil action commits any act of waste thereon, or threatens or makes preparations to do so, any justice of the supreme judicial court or of the superior court may issue an injunction to stay such waste; but notice shall first be given to the adverse party to appear and answer, unless the applicant files a bond with sufficient sureties to respond to all damages and costs. The court may enforce obedience by such process as may be employed in other cases and dissolve it when deemed proper. (R. S. c. 111, § 7. 1959, c. 317, § 273.)

Effect of amendment.—The 1959 amendment divided the section into two sentences, deleted “in vacation or term time” following “superior court” in the first sen-

tence, and substituted “other cases” for “an equity case” in the second sentence.

Effective date of 1959 amendment.—See note to § 1.

Sec. 19. Judgment for damage; execution for plaintiffs’ share.—The court shall enter judgment for the whole amount of the injury proved; but shall award execution only for the proportion thereof sustained by the plaintiffs. The remaining cotenants may afterwards jointly or severally intervene in the action and on motion obtain execution for their proportion of the damages adjudged therein. (R. S. c. 111, § 19. 1959, c. 317, § 274.)

Effect of amendment.—The 1959 amendment divided the section into two sentences and rewrote what is now the second

sentence.

Effective date of 1959 amendment.—See note to § 1.

Sec. 20. If one or more joint tenants take whole rent, others may recover.—If any one or more of the joint tenants or tenants in common take the whole rents or income in the joint estate or more than their share, without the consent of their cotenants, and refuse for a reasonable time after demand to pay such cotenants their share thereof, any one or more of them may have an action against the refusing cotenants to recover their proportion thereof. (R. S. c. 111, § 20. 1959, c. 317, § 275.)

Effect of amendment.—The 1959 amendment deleted the words “of special assumpsit,” formerly appearing after the

word “action” near the end of the section.

Effective date of 1959 amendment.—See note to § 1.

Chapter 125.

Replevin of Beasts and Goods.

Replevin of Beasts.

Sec. 7. Certain causes removed to superior court.—When it appears that the sum demanded as damages exceeds \$20, or that the property in the beasts is in question and their value exceeds \$20, or that the title to real estate is in question, at the request of either party, the case, if originally brought before any trial justice, shall be removed to the superior court to be there disposed of like actions brought before a trial justice in which the title to real estate is brought in question; but the party requesting such removal shall recognize in such reasonable sum as the justice orders, to enter the action in the superior court within 30 days, prosecute it with effect and pay all intervening damages and costs. (R. S. c. 112, § 7. 1959, c. 317, § 276.)

Effect of amendment.—The 1959 amendment deleted “or judge of any municipal court” following “any trial justice”, substituted “removed” for “transferred” near the middle of the section, and substituted

“removal” for “transfer” and “in the superior court within 30 days” for “at the next term of said court” near the end of the section.

Effective date and applicability of Public