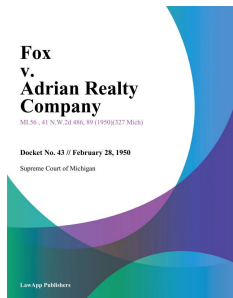


# PAWSUPP.COM Ebook and Manual Reference

## H B SABOURIN V CHESTER WOISH ET AL EBOOKS 2019



Author: Supreme Court of Vermont

Realese Date: Expected @@expectedReleaseDate@@

This is an action of contract to recover the rent for leased premises located at 55 Fairfield St., St. Albans City, for the months of December 1948 through September 1949. One of the defenses is that by electing to bring an action of Justice ejectment under V. S. 47, § 2008 and 1442, and by prosecuting the same to judgment, the plaintiff is barred from maintaining this action. Trial was by court; the plaintiff had a judgment against the defendant for \$534.00 and costs, and a judgment against the trustee for the amount disclosed. The case is here on the defendant's exceptions. These facts appear. The plaintiff leased an apartment to the defendant from month to month for an agreed monthly rental of \$50.00. After a time he gave the defendant notice to vacate. The defendant did not vacate, and so the notice was followed by an action of Justice ejectment brought in the Franklin Municipal Court. The writ was dated December 3, 1948, and was returnable December 18, 1948. Hearing was had July 15, 1949. At that time the rent claimed exceeded the amount which the plaintiff could recover under V. S. 47, § 2011. Before judgment the plaintiff filed a document in the Municipal Court, in which he waived damages in toto, so far as such damages pertained to the action of Justice ejectment, and requested a judgment for possession and costs only. Thereafter the Municipal Court entered judgment that the plaintiff have a writ of possession, and recover one cent damages and his costs.

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