

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

CHAP. 99. time to time, for the sums remaining due; but no alias or pluries warrants of distress shall be thus issued, after the expiration of two years from the return day of the warrant, last preceding; provided, that no warrant of distress shall be originally granted on any judgment of such commissioners, against any town or plantation, until twenty days after a certificate of the rendition of such judgment shall have been transmitted by the clerk of the commissioners to the assessors of such town or plantation. The interest on damages, recovered in such judgment, shall be included and provided for in such warrants, as in case of executions under chapter, one hundred and fifteen.

Action of debt, or scire facias on their judgments. 1833, 64, § 2.

SECT. 21. The party, for whose benefit any judgment shall have been rendered by the commissioners of any county, shall have like remedy for the same and interest, by an action of debt upon such judgment, or scire facias, before any court of competent jurisdiction, as is provided for judgments, recovered before the judicial courts.

Remedy, for inhabitants making payments for their towns. 1833, 64, § 4. 1834, 133, § 1, 2, 3, 4.

SECT. 22. On all judgments rendered, or warrants of distress issued, by county commissioners against the inhabitants of any town or plantation in their respective counties, any such inhabitant, who shall voluntarily pay or be disposed to pay his due proportion of the same, or who shall have been compelled to satisfy the same, in whole or in part, shall be entitled to the like remedies and processes, as is provided in chapter, one hundred and seventeen, in relation to judgments or executions from the judicial courts.

CHAPTER 100.

OF CLERKS OF THE JUDICIAL COURTS.

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| <p>SECT. 1. Present clerks to continue in office.</p> <p>2. Vacancies to be filled by appointment.</p> <p>3. Tenure of office.</p> <p>4. The same clerk, for all the judicial courts in the county.</p> <p>5. Oath and bond.</p> <p>6. To account with the county treasurer, for moneys received.</p> <p>7. When to pay over balances. Consequences of neglect.</p> <p>8. Of a clerk pro tem.</p> <p>9. To be sworn and give bonds, as the court may direct.</p> <p>10. Clerk to certify, to assessors, fines due from their towns.</p> | <p>SECT. 11. To record marriages, certified to him.</p> <p>12. To receive fines, &c. imposed by any judicial court for use of the state.</p> <p>13. To transmit a certificate of fines, &c. to the secretary of state.</p> <p>14. Judges to examine into the state of the records. Bond to be put in suit for default.</p> <p>15. Money recovered, to be appropriated to making up the records. Further liability of clerk, in case, &c.</p> <p>16. Penalty for exacting illegal fees.</p> |
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Present clerks to continue in office.

Vacancies to be filled by appointment.

SECTION 1. The clerks, now in office, shall continue to hold their offices, according to the tenor of their respective commissions.

SECT. 2. Whenever a vacancy in the office, in any county, shall occur, the governor, with advice of the council, shall appoint some person to fill the vacancy.

SECT. 3. All clerks shall be appointed for the term of four years ; but shall be removable at any time, within that period, at the pleasure of the governor and council.

SECT. 4. The person appointed clerk, as aforesaid, shall be clerk of all the judicial courts in the county, for which he is appointed, and shall perform all the duties, which, as clerk, he is by law bound to perform:

SECT. 5. Every clerk, before entering on the duties of his office, shall be duly sworn, and shall give bond to the state, to the acceptance of the governor and council, in the penal sum of eight thousand dollars, with two or more sureties, conditioned that he shall faithfully perform all the duties of his office, and pay over all the moneys he is required to, and for the safe keeping and immediate delivery of all records, files, papers and muniments in said office; and such bond shall be lodged in the office of the state treasurer.

SECT. 6. Each clerk shall keep a true and exact account of all the moneys, he shall receive or be entitled to receive for services by virtue of his office, and shall, annually on the first Wednesday of January, render to the treasurer of his county, under oath, a true account of the whole sum thus accrued; and, after deducting his own salary, pay over the residue, if any, of the gross amount, to the treasurer of his county, for the use of the county.

SECT. 7. All sums, which he is thus bound to pay over to the county treasurer, not provided for in the preceding section, shall be paid within thirty days after he may have received the same. In case he shall neglect or refuse to pay over any sum, for which he is accountable, under the provisions of this chapter, he shall pay interest thereon at the rate of twenty five per cent. by the year, until paid; and it shall be the duty of the county treasurer to notify the treasurer of the state of any such delinquency known to him, and the bond of the delinquent shall thereupon be put in suit.

SECT. 8. Whenever a vacancy may happen in the office of clerk in any county, or if the clerk be absent, and an existing or immediate session of any court, of which he is clerk, renders an appointment of a clerk necessary, such court may make an appointment of a clerk to supply the vacancy, until an appointment of one shall be made by the governor and council, or during such absence.

SECT. 9. Such temporary clerk shall be duly sworn, and shall be held to give bonds in such penalty, as the court shall order.

SECT. 10. Whenever a fine shall be imposed on any town or plantation by any court, for the repair of any highway or town way, the clerk of such court shall forthwith certify the same to the assessors of such town or plantation.

SECT. 11. Every clerk shall record all marriages, certified to him by the clerk of any city, town or plantation.

SECT. 12. Every clerk shall receive all fines, forfeitures and bills of costs, arising or imposed, to the use of the state, by any judicial court, and which shall be paid or tendered to such clerk, before the issuing of a warrant of distress or other process to enforce the order or sentence of the court; and, when he gives discharges therefor, he shall enter them on record, and pay over the same to the county treasurer, within twenty days.

CHAP. 100.

Tenure of office.

1820, 90, § 1.

The same clerk, for all the judicial courts in the county.

1820, 90, § 1.

Oath and bond.

1820, 90, § 3.

To account with the county treasurer, for moneys received.

1820, 90, § 2.

When to pay over balances. Consequences of neglect.

1820, 90, § 4.

Of a clerk pro tem.

1820, 90, § 5.

To be sworn and give bonds, as the court may direct.

Clerk to certify, to assessors, fines due from their towns.

1825, 300, § 4.

To record marriages, certified to him.

To receive fines, &c. imposed by any judicial court, for use of the state.

1830, 464, § 1.

CHAP. 100.

To transmit a certificate of fines, &c. to the secretary of state.
1830, 464, § 3.

Judges to examine into the state of the records. Bond to be put in suit for default.
1821, 108, § 3.

Money recovered, to be appropriated to making up the records. Further liability of the clerk, in case, &c.
1821, 108, § 3.

Penalty for exacting illegal fees.

SECT. 13. Every clerk shall, within twenty days after the adjournment of any court, at which any fine, forfeiture or bill of costs has accrued to the state, transmit to the secretary of the state, to be laid before the governor and council, a certificate of all fines, forfeitures and bills of costs, naming the court and term thereof, when the same accrued, the names of those against whom they were awarded, and the names of the officers accountable for them to the state.

SECT. 14. The justices of the judicial courts shall inspect the records of the clerks of their respective courts, and if they are found deficient, shall, in writing, certify the fact to the treasurer of the state, that the official bond of such clerk may be put in suit by him.

SECT. 15. The money, recovered in such suit shall be applied to complete the deficient records, under the direction of the judge or judges of the court, where such deficiency shall occur; and if the amount, so recovered, shall be more than sufficient for the purpose aforesaid, the balance shall enure to the use of the state; but, if the amount, so recovered, shall be insufficient to make up such records, the balance may be recovered by the treasurer of the state, in a special action on the case.

SECT. 16. Any clerk of the courts, who shall exact or receive more fees, than are allowed by law, shall forfeit fifty dollars for each offence; to be recovered in an action of debt, by any person prosecuting therefor, to his own use, or by indictment, one half to the use of the state, and the other half to the complainant.

CHAPTER 101.

OF THE ATTORNEY GENERAL AND HIS DUTIES.

- SECT. 1. Appointment and oath of office.
2. His duty to attend the sessions of the supreme judicial court.
3. Instructions to the county attorneys, in his absence.

- SECT. 4. To receive no fee for official services; nor to act as counsel or attorney, in cases incompatible.
5. When to require attendance of witnesses.
6. Annual report to the governor and council.

Appointment, and oath of office.

His duty to attend the sessions of the supreme judicial court.
1821, 100, § 1.

Instructions to the county attorneys, in his absence.
1821, 100, § 1.

SECTION 1. The attorney general shall be appointed by the governor and council, and take and subscribe the oaths, required by the constitution.

SECT. 2. It shall be his duty to attend the sessions of the supreme judicial court, except in those cases, where the terms of said court now are, or may be so established, and so far interfere with each other, as to prevent a compliance with the above requirement, for the discharge of the duties of his office.

SECT. 3. When he is necessarily absent from any session of said court, he shall give all needful instructions to the state's attorney for the county, in which such court shall be then sitting, as well as all proper instructions to said attorneys, at other times.