

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. 103. action shall abate; or be subsequently employed as counsel or attorney in any cause, tried before himself.

to act as attorneys.
1821, 89, § 4.
1825, 308.

CHAPTER 104.

OF THE POWERS AND DUTIES OF SHERIFFS, DEPUTY SHERIFFS, JAILERS, CONSTABLES, AND OF CORONERS IN CIVIL ACTIONS.

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SECTION 1. All sheriffs and coroners, now in office, shall continue to hold their offices according to the tenor of their respective commissions; and every person, hereafter appointed to the office of sheriff, shall be duly sworn; and, if appointed sheriff of either of the counties of York, Cumberland, Lincoln, Kennebec or Penobscot, shall, within sixty days after having received his commission, give bond to the treasurer of the state, and his successors in said office, with as least three sufficient sureties, in a sum not less than forty thousand dollars; and every person, appointed sheriff of either of the other counties, shall give bond, as aforesaid, in a sum not less than twenty five thousand dollars; which bonds shall be conditioned for the faithful performance of the duties of their respective offices, and to answer for all neglects and misdoings of their respective deputies.

Sheriffs and coroners to continue. Compensation. Oath and bond of sheriff. 1820, 91, § 1.

SECT. 2. Every sheriff, having executed such bond, shall, within said term, file the same in the office of the clerk of the county commissioners in the county, of which he is appointed sheriff, and it shall be presented to said commissioners at their then next meeting for approval, and, after being so approved and adjudged sufficient, the clerk shall record the same, and certify the fact on said bond; and the clerk shall thereupon deliver said bond to said sheriff, retaining a copy thereof, who shall deliver the original to the treasurer of the state, within twenty days after its approval, to be filed in his office.

Sheriff's bond to be approved by county commissioners, and left with the state treasurer. 1820, 91, § 1. 2 Fairf. 241. 1 Pick. 271.

SECT. 3. The county commissioners in each county, at their first meeting after the third Tuesday of June, shall, on motion of the county attorney, annually consider and examine as to the sufficiency of the sureties given by the sheriff and the coroners in their respective counties, and cause a record made, of their determination, by their clerk, who shall certify the same to the state treasurer within thirty days.

Sufficiency of security of sheriff and coroners, to be annually examined by the commissioners. 1820, 91, § 2.

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If adjudged insufficient, a new bond to be given.
1820, 91, § 2.

SECT. 4. If the security of any sheriff or coroner shall be adjudged insufficient, said clerk shall, within ten days, certify the same to such sheriff or coroner, who shall, within twenty days after such notice, give a new bond with sufficient sureties, to be filed in the office of the clerk of the county commissioners, and approved as aforesaid; and then filed in the office of the treasurer of the state.

Forfeiture, if sheriff neglect to give such bond. If coroner, office vacated.
1820, 91, § 3.

SECT. 5. Any sheriff, neglecting to give the security, required by the first or fourth section of this chapter, shall forfeit the sum of one hundred and fifty dollars, for each month's neglect, to the use of the state, to be recovered by the treasurer in an action of debt; and it shall be the duty of the attorney general to prosecute for the same: every coroner, neglecting to give a new bond, as provided in the preceding section, shall be deemed to have vacated his office.

Sheriff also liable to be removed.
1820, 91, § 3.

SECT. 6. The name of such sheriff, neglecting to give security as aforesaid, shall be certified by the county commissioners of the same county to the governor and council, and to the attorney general; and, thereupon, the governor, with advice of the council, shall remove such sheriff from office, unless reasonable cause for such neglect shall be shown to the governor and council, or unless, within twenty days after the certificate shall be made, he shall give or renew his security, to the satisfaction of the governor and council.

In what cases, the governor and council may require a new bond.
1820, 91, § 4.

SECT. 7. Whenever it shall appear from a statement made by the state treasurer, that moneys, due to the state on warrants, or any other sums or balances are in the hands of any sheriff, and the names of the sureties of such sheriff are also certified by the treasurer; and it shall appear to the governor and council, that any such sureties have become insufficient, or have removed from the state, they, or any of them, may require such sheriff to give a new bond with sufficient sureties, within sixty days after notice given to him for the purpose, to be filed as aforesaid, and, on his neglecting so to do, the office of such sheriff shall become vacant, and some other person shall be appointed to fill the office.

Coroners, on appointment, to take oaths of office, and give bonds.
1820, 91, § 5.
1829, 435.
14 Mass. 167.

SECT. 8. Every person, who shall be hereafter appointed a coroner, shall, before proceeding to execute the duties of his office, be duly sworn; and shall also give bond to the treasurer of the state, with sufficient sureties to the satisfaction of the county commissioners, in their respective counties, for the faithful performance of the duties of his office; which bond shall be transmitted to the treasurer of the state in the same manner, as sheriffs' bonds: but any coroner's bond given with sureties, as by law required, which shall be approved as sufficient, by the certificate of two of the county commissioners of the same county, and filed with the clerk of the judicial courts of the county, shall be deemed good and sufficient, to authorize such coroner to discharge the duties of his office, until the first day of the next stated meeting of said county commissioners, and not afterwards, unless approved by them.

Appointment of sheriff. Jailer to remain in office, during vacancy of office of sheriff; or a new jailer may be appointed.

SECT. 9. Whenever a vacancy in the office of sheriff shall exist, the governor, with advice and consent of the council, shall appoint and commission some proper person to fill the vacancy; and during such vacancy any jailer, duly appointed, shall continue in office, as such, and retain the custody and charge of the jail of which he

had the rule and custody under the sheriff, and of all prisoners in such jail, or who may be committed to his custody, until a new sheriff shall be appointed and duly qualified; or until the governor and council shall remove such jailer and appoint another person: which removal and appointment, the governor, by advice of the council, is authorized to make, during the vacancy in the office of sheriff; and the jailer, so appointed, shall give bond in the same manner as is required of a sheriff; for the faithful discharge of the duties of his office.

SECT. 10. Every sheriff may appoint his own deputies and jailer, who shall be duly sworn; and such appointment shall be in writing, under the hand of the sheriff appointing him, and recorded in the office of the clerk of the judicial courts in the county, for which such deputy sheriff or jailer is appointed; and no appointment or discharge of either of said officers shall be valid, until so lodged or recorded, except by operation of law, or vacancy in the office of sheriff; and every discharge of either of such officers shall be in writing, and recorded as aforesaid; for recording which appointment or discharge the sheriff shall pay the clerk twenty five cents; and the sheriff shall be answerable for the misconduct, and all neglects of his said deputies or jailer, while in office.

SECT. 11. Every person, appointed sheriff of any county, shall give notice thereof, immediately, to the several coroners of the same county.

SECT. 12. Whenever any surety, upon the official bond, [*for any neglects or misdoings, which may occur after such new bond shall have been filed and accepted,*]* of any sheriff or coroner, or the heirs, executors, or administrators of such surety, shall petition the county commissioners, in the county of such sheriff or coroner, to be discharged from such bond, the court shall cause such sheriff or coroner to be served with an attested copy of the petition, and may require him to give a new bond to their satisfaction; and, upon such new security being given, such surety, or his legal representatives, shall be free from any further responsibility on such bond, [*for any neglects or misdoings which may occur after such new bond shall have been filed and accepted.*]

SECT. 13. When the condition of the official bond of any sheriff or coroner shall be broken, to the injury of any person, such person may, at his own expense, institute an action, in the name of the treasurer, in the county, where such sheriff or coroner respectively shall have been commissioned to act, and prosecute the same to final judgment and execution; and, in such case, the writ shall be indorsed by the name and place of residence of the person, for whose benefit the suit is commenced, or with the name of his attorney; which indorser shall be alone answerable for all costs.

SECT. 14. But no such action, on such official bond, shall be instituted, until the party commencing it shall have recovered judgment against such sheriff or coroner, his executors or administrators, for the injury complained of; and sustained by such person, or obtained a decree of the judge of probate, allowing a claim for the

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1821, 92, § 1.

Sheriff to appoint his deputies and jailer, by a writing to be recorded. Oath. Discharge. Sheriff answerable for them. 1829, 445, § 7. 1 Mass. 530. 13 Maine, 72. 2 Pick. 276.

Sheriffs, on appointment, to notify coroners. 1821, 93, § 1.

New bonds required of sheriff or coroner, on application of his sureties.

Of suits, instituted on bonds of sheriff or coroner. 1820, 91, § 6.

Demand previously to be ascertained by a judgment. 1820, 91, § 6.

* The words in brackets were an amendment to the original bill, and appear to have been misplaced in engrossing.

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Against whom judgment to be entered, if for defendant.
1820, 91, § 6.

If against the defendant, the other party, in interest, to be named in the execution.
1820, 91, § 7.

Any person entitled to a copy of the bond. When the original may be required.
1821, 92, § 2.

Survivorship of actions, against sheriffs or their deputies.
1821, 92, § 2.

Duty of sheriffs and deputies to serve precepts. Their fees to be paid or secured in advance.
1821, 92, § 1.
1 Greenl. 361.
4 Pick. 405.

Sheriff or deputy may make service, though his town be interested.
1821, 92, § 1.
14 Mass. 216.
1 Greenl. 82.
Sheriffs, &c. when removed, may execute precepts in their hands.
1821, 92, § 1.
Also deputies, when office of sheriff is vacated.
1821, 92, § 1.
13 Mass. 295.
Sheriff to have the custody of jails.
1821, 92, § 1.
Jailers holding over, as in § 9, responsible on their bond.
1830, 461, § 1.
County commissioners may

cause aforesaid; and such judgment or decree, or so much of the same, as shall be unsatisfied, with the interest thereon, shall be the amount of damages thereon, for which execution shall issue.

SECT. 15. If, in such action on the official bond of a sheriff or coroner, judgment shall be rendered in favor of the defendant, it shall be so rendered against the party, for whose benefit the action was brought.

SECT. 16. When judgment is rendered, in such action on the bond, in favor of the treasurer, the name of the person, for whose use the action was commenced, shall be expressed and set forth, in the execution issuing on such judgment.

SECT. 17. The treasurer shall deliver an attested copy of any sheriff's or coroner's bond to any one, applying and paying for it; and such copy shall be received as competent evidence, in any case relating to the same, unless, when the execution of the bond shall be disputed, in which case, the court may order the treasurer to produce the same in court, for the purposes of such trial.

SECT. 18. Any actions for the neglect or misdoings of a sheriff, or any of his deputies, may be sued against the executors or administrators of such sheriff, in like manner, as if the action survived at common-law.

SECT. 19. Every sheriff, and each of his deputies, shall serve and execute, within his county, all writs and precepts, to him directed and committed, and issued by lawful authority; provided, his legal fees for service shall first be paid or secured to him; and if the legal fees be not paid or secured to the officer, when the writ or process is delivered to him, he shall, without delay, return the writ to the plaintiff or attorney, so offering it; or, if sent to him by mail, or otherwise, shall put the same into some post-office, directed to the person sending the same, within twenty four hours; otherwise, he shall be deemed to have waived his right to receive his fees before service.

SECT. 20. Such sheriff or deputy may serve any writs or precepts, mentioned in the preceding section, in cases where a town, plantation, parish, religious society or school district, is a party or interested, though he may, at the time, be a member of the corporation interested.

SECT. 21. All sheriffs and their deputies may execute all precepts in their hands, at the time of their removal from office.

SECT. 22. In every vacancy in the office of sheriff in any county, every deputy under him, having any writ or precept in his hands, at the time such vacancy may happen, shall have the same authority, and be under the same obligation, to serve the same and return it, as if such sheriff had continued in office.

SECT. 23. The sheriff of each county shall have the custody and charge of the jail or jails therein, and shall keep the same personally, or by his deputy.

SECT. 24. While any jailer shall continue to hold his office, in virtue of the ninth section of this chapter, his defaults and misdoings shall be adjudged a breach of the official bond of such sheriff.

SECT. 25. If the office of jailer become vacant, while the office of sheriff is vacant, the county commissioners, in the same county,

are empowered to appoint a jailer, who shall give bond, in like manner as a sheriff is required to do, and shall continue in office, if his appointment shall be confirmed at their next meeting, during the vacancy in the office of sheriff, and until such jailer shall be removed, and a new jailer shall be appointed by the governor and council.

SECT. 26. The defaults, or misfeasances in office, of any deputy sheriff, after the death, resignation or removal from office, of the sheriff, who appointed him, shall be adjudged a breach of the condition of the sheriff's official bond.

SECT. 27. Any sheriff or his deputy, who shall unreasonably refuse or neglect to pay, to any person, moneys received by him, upon execution to the use of such person, upon demand made therefor, shall pay five times the lawful interest of such money, so long as he shall unreasonably detain it.

SECT. 28. No sheriff shall be arrested on mesne process or execution, in a civil action.

SECT. 29. When judgment shall be rendered against any sheriff, either in his official or private capacity, the execution on such judgment shall be issued against his goods, chattels and lands, but not against his body.

SECT. 30. When such execution shall be returned not satisfied, the creditor may file before the governor and council, an attested copy of such execution, and the return thereon, and also serve such sheriff with a copy of such copy filed, attested by the secretary, with notice under the hand of the secretary, of the day on which such copy was filed, and if such sheriff shall not, within forty days next after being served with such copy and notice, pay the creditor his full debt, with reasonable cost for copies and service of them, the governor, with advice of the council, shall remove such sheriff from office, and appoint some other person to the same.

SECT. 31. When a sheriff shall be removed from his office, the clerk of the court, from which such executions have been issued, and returned not satisfied, shall be empowered, as soon as another sheriff shall be appointed and legally qualified, to issue alias executions, in common form, against the body, as well as the goods, chattels and lands of such person, so removed.

SECT. 32. Any sheriff, deputy sheriff, coroner or constable, being in the execution of the duties of his office, in any criminal cases, or for the preservation of the peace, or for apprehending or securing any person for the breach of the same, shall have authority to require suitable aid therein; and may require like aid, in case of escape or rescue of persons arrested on civil process; and any person, being so required to aid either of said officers, who shall neglect or refuse so to do, on due conviction thereof, shall pay to the use of the county, not less than three, nor more than fifty dollars; and, if the offender be unable, or shall not forthwith pay such fine, the court may punish him by imprisonment, not exceeding thirty days.

SECT. 33. When any person shall die in prison, in any county in this state, it shall be the duty of the jailer or sheriff, to deliver

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appoint a jailer, in case there be no sheriff nor jailer.
1830, 461, § 2.

Defaults of deputies after the death, &c. of sheriff, covered by sheriff's bond
1821, 92, § 2.

Penalty, if sheriff or deputy detain money collected, after demand.
1821, 92, § 3.

3 Mass. 249.

7 Mass. 464.

8 Greenl. 133.

16 Pick. 387.

17 Pick. 462.

Sheriff not liable to be arrested.
1821, 92, § 4.

Executions issued against his property only.
1821, 92, § 4.

Power of governor to remove him, if returned not satisfied.
1821, 92, § 4.

After removal, executions to issue in common form.
1821, 92, § 4.

Power of sheriffs, &c. to require aid. Forfeiture for refusing to assist.
1821, 92, § 7.

If a person die in prison, duty of jailer.
1821, 92, § 5.

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Constable's power to serve process in personal actions. 1821, 92, § 9. 5 Mass. 260. 15 Mass. 389.

SECT. 34. Any constable is hereby authorized to serve, upon any person in the town, to which he belongs, any writ or precept, in any personal action, where the damage sued for and demanded shall not exceed one hundred dollars, including all precepts in actions, in which the town, in which he may reside, is a party or interested; and he shall make due return thereof, according to the mandate thereof.

Bonds previously required, in such case. 1821, 92, § 9. 1856, 212. 5 Greenl. 76. 2 Fairf. 332.

SECT. 35. Every constable, before he shall serve any writ or execution, shall give bond to the inhabitants of his town, in the sum of five hundred dollars, with two sureties, sufficient in the opinion of the selectmen of the town, who shall indorse their approval on said bond, and in their own hands, for the faithful performance of the duties of his office, as to all processes, by him served or executed; and for every process he shall serve before giving such bond, he shall forfeit and pay, not less than twenty, nor more than fifty dollars, to the use of, and recoverable by, any person, who shall sue for the same.

Remedy thereon to parties entitled. 1821, 92, § 9.

SECT. 36. All persons, suffering by the faults or misdoings of any constable, shall have remedy on his bond, as is provided in case of sheriffs' bonds, and similar proceedings shall be had in both cases, such change being made, as to render the process effectual.

In what cases, a constable may act out of his own town. 1821, 92, § 10.

SECT. 37. Every constable shall have authority, in the execution of any precept, to him directed from lawful authority, to convey any prisoner, and things which they shall have taken into their custody, to the justice who issued the precept, or to the common jail, or house of correction of the county, where such constable is an inhabitant.

Officers prohibited from acting, as attorneys. 1821, 89, § 5. 6 Pick. 483. 10 Pick. 45.

SECT. 38. No sheriff, deputy sheriff, or constable, shall be suffered to appear before any court, or justice of the peace, as attorney to, or in behalf of, or assisting or advising any party, in a suit, nor be allowed to draw any writ, plaint, declaration, or process, or plea for any other person; and all such acts, done by either of them, shall be void.

Sheriff to keep a calendar of prisoners. 1821, 110, § 2.

SECT. 39. Every sheriff shall keep, in a bound book, provided for that purpose, a true and exact calendar or register of all prisoners, committed to the prison under his care, containing, distinctly and fairly registered, the names of all prisoners, who shall, from time to time, be committed to such prison, their places of abode, additions, time of their commitment, for what cause, and by what authority; and a particular description of the persons of those committed for criminal offences; and also, from time to time, as any prisoner shall be discharged, he shall register, in said book, the name and description of the person aforesaid, the time when, and the authority by which he was discharged; and the time and manner of any prisoner's escape.

On vacating his office, to re-

SECT. 40. Every sheriff shall be held answerable for the deliv-

ery over to his successor of all prisoners, which may be in his custody at the time of his removal; and, for that purpose, shall retain the keeping of the jail in his county, and the prisoners therein, until his successor shall be appointed and qualified as the law directs.

SECT. 41. All warrants, mittimus, processes, and other official papers, or attested copies of them, by which any prisoner shall have been committed or liberated, shall be regularly filed in order of time; and, with the calendar before mentioned, shall be safely kept in a suitable box, and on expiration of his commission, or on his death, resignation or removal, be, by the sheriff or his personal representative, delivered over to his successor, on penalty of forfeiting, for his neglect, two hundred dollars, to the use of the county.

SECT. 42. Every sheriff shall see, that the jail in his county shall be kept as clean and healthy as may be; and cause the walls thereof to be white washed, in April or May annually, and as often as the county commissioners shall order, at the expense of the county; and pay strict attention to the personal cleanliness of the prisoners.

SECT. 43. When any prisoner shall escape, through the insufficiency of the jail, or the negligence of the sheriff or jailer, the sheriff shall stand chargeable to the creditor or other person, at whose suit he was committed, or to whose use any forfeiture was adjudged against such prisoner.

SECT. 44. When such escape shall happen through the insufficiency of the jail, the county commissioners may order the county treasurer to pay over, to the sheriff of the county, the amount due to such creditor.

SECT. 45. If the county commissioners shall not make such order, within six months after the demand shall be laid before them, the sheriff may bring his action on the case against the inhabitants of such county, to be tried in the same county, or one of the next adjoining counties; an attested copy of the writ being left with the county treasurer, thirty days before the sitting of the court, to which it shall be returnable, shall be a sufficient service.

SECT. 46. The county commissioners may appoint an agent, to appear and defend the action; and, when there shall be no meeting of said commissioners, between the time of the service and the return day of the writ, the action shall be continued to the next term of the court, saving all advantages to the defendants.

SECT. 47. If, in such action, judgment be rendered against the county, the debt may be levied by execution upon the estate of any inhabitant, who shall have like remedy against the county, to recover the moneys, so levied of his estate.

SECT. 48. Every jailer shall, at the opening of the supreme judicial court, and district court, in his county, return a list of prisoners in his custody, certifying the cause for which, and the person by whom, committed, and the names of all persons, who shall be committed, during the sitting of either of said courts, and the cause of commitment; and shall have the calendar of prisoners in court for its inspection; and, for neglecting so to do, he shall be fined, at the discretion of the court.

SECT. 49. Every jailer or prison keeper shall keep prisoners

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tain the custody of the jail, &c. till his successor is qualified.

1821, 92, § 4.
Warrants, &c. to be filed, safely kept, and delivered over.
1821, 110, § 3.

Of the cleanliness of the jail and prisoners.
1821, 110, § 6.

Sheriff chargeable for all escapes, from insufficiency of the jail.
1821, 110, § 14.

County commissioners may raise the amount due by assessment.
1821, 110, § 14.

Sheriff's right of action against the county.
1821, 110, § 14.

Right of commissioners to defend. Action to be continued in case, &c.
1821, 110, § 14.

How execution may be levied. Remedy of the party on whom levied.
1821, 110, § 14.

List of prisoners, &c. to be returned by jailer to the supreme judicial and district courts.
1821, 110, § 4.

Certain prison-

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ers to be kept separate from the others.
1821, 110, § 7.

committed for debt, separate and apart from felons, convicts and prisoners, charged with felony or infamous crimes; and also all minors so committed, and all prisoners upon a first charge, with or without conviction of any crime, separate from those, who are notorious offenders, or have been convicted more than once, of any felony or infamous crime, as the construction or state of the prison will admit.

Penalty for neglect. Spirituous liquors prohibited to persons accused, or convicted, of crimes.
1821, 110, § 9, 10.

SECT. 50. If any prison keeper shall violate any of the provisions of the preceding section, or shall voluntarily or negligently suffer any prisoner in his custody, charged with, or convicted of, any crime, to have any spirituous liquors, or in part spirituous, unless the physician authorized to attend the sick, in such prison, shall in writing certify, that such prisoner's health requires it, and prescribe the quantity, shall, in each case, for the first offence, forfeit twenty five dollars, to be recovered by indictment, for the use of the county, or by any person who shall sue for the same, to his own use; and, for a second offence, he shall forfeit fifty dollars, to be recovered as aforesaid; and shall be removed from office, and be rendered incapable of holding the office of sheriff, deputy sheriff or jailer, for the term of five years; and, if the keeper of any jail, or other person, shall give, sell, or deliver to any person committed to jail, on mesne process or execution, or to any other person for his use, any spirituous liquors, without the consent in writing, of the overseers of the poor of the town, where the jail is situated, he shall forfeit not less than five, nor more than ten dollars, to be recovered on complaint, before a justice of the peace, one half to the use of said town, and the other to the prosecutor.

Liability for negligent escapes. Proviso, in case of debtors.
1821, 110, § 12.

SECT. 51. If any jailer or prison keeper shall, through negligence, suffer any prisoner, charged with any crime, to escape, he shall pay such fine as the court, before which he may be convicted, shall in their discretion inflict, according to the nature of the offence charged against the escaped prisoner; if any person, committed for debt, shall escape from prison, and the sheriff or jail keeper shall, within three months next after the escape, recover the prisoner, and return him to the prison, then the sheriff shall be liable to no more than the costs of any action, which may have been commenced against him for the escape.

Prisoners committed by the United States courts, to be received and kept.
1821, 110, § 15.

SECT. 52. The keepers of the several jails, in this state, shall take the custody of, and safely keep, all prisoners committed under the authority of the United States, until discharged by law; under the penalties provided by law for the safe keeping of prisoners, committed under the laws of this state.

Appropriation of penalties.
1821, 110, § 12.

SECT. 53. All fines, arising from the breaches of any of the preceding sections of this chapter, except those otherwise appropriated, shall be applied to the use of building and repairing the jail or jails, in the county where the offence was committed, and shall be paid to the treasurer for that purpose.

When officers may execute warrants, out of their county.
1824, 244, § 1.

SECT. 54. A warrant duly issued by a justice of the peace for any supposed offence, committed in his county, or under the act for the maintenance of bastard children, may be executed by the sheriff, to whom it may be directed, or his deputy, or coroner or constable, though the person charged shall have removed or gone into another

county, before or after the warrant was issued; and such sheriff, or coroner or constable may pursue and arrest such person in any county, and carry him to the county, in which the act complained of was committed; that proceeding may there be had according to law.

SECT. 55. Whenever any sheriff, deputy sheriff, coroner or constable, shall have arrested any person, by virtue of any lawful precept, for the purpose of committing him to the prison of his county, it shall be lawful for him to convey such person by the most convenient and suitable road or route, though the same may pass through a part of one or more counties, other than that, in which the prison is situated.

Same subject.
1832, 44.

SECT. 56. No sheriff shall receive from any of his deputies any portion of the fees, for levying and collecting executions issued by a justice of the peace, wherein the debt or damage does not exceed twenty dollars, nor more than at the rate of twelve per cent. on the amount of fees for travel and service of precepts.

Of fees receivable by sheriffs, of their deputies.
1829, 445, § 2.
7 Mass. 33.

SECT. 57. Each deputy sheriff shall keep a true account, with the items thereof, of all fees for travel and service, and other emoluments of office, which have accrued or may be due to him, by virtue of the same, and he shall, within twenty days next after the first day of December annually, return under oath to the sheriff, a true copy of such account, up to the time of said return.

Deputies to make annual returns of their emoluments of office to the sheriff.
1829, 445, § 3.

SECT. 58. Each sheriff shall, within ten days after the twentieth day of December annually, from the accounts returned to him by his deputies, as required in the preceding section, state a true account of the amount of the fees for travel, services, and other emoluments of office, specifying the different classes of items, which have accrued, or shall accrue from his deputies, and also of the amount of said fees and other emoluments specified as aforesaid, which have accrued, or shall be due to him in his office, within one year next before the making up of the same, and including the whole of the accounts of the deputies, after the said account of the sheriff was so made up, in the year preceding, and such sheriff shall, within said ten days, make a true return, under oath, of said account, to the treasurer of the county, of which he is sheriff, after deducting from the sum total, the sum limited in the following section, for the sheriff in each county, and shall pay over the residue of said sum total to the treasurer of his county, for the use thereof.

Of the sheriff's annual return, and settlement with the county treasurer.
1829, 445, § 4.

SECT. 59. The sheriffs for the counties of York, Cumberland, Lincoln, Penobscot and Kennebec, shall be limited to seven hundred dollars. The sheriffs of Oxford and Somerset, to five hundred dollars each. The sheriffs of Hancock, Washington and Waldo, to four hundred dollars each. The sheriff of Piscataquis to three hundred and fifty dollars, the sheriff of Franklin to three hundred dollars, and the sheriff of Aroostook, to one hundred and twenty five dollars.

What sums may be retained by sheriffs in their respective counties.
1829, 445, § 5.

SECT. 60. Every coroner, within the county, for which he is appointed, shall serve and return all writs and precepts, when the sheriff of the same county or any of his deputies shall be a party to the same, unless served by a constable, including those precepts, in cases where a town, plantation, parish, religious society, or

Of coroners' powers to serve precepts.
1821, 93, § 1.
1 Greenl. 361.
4 Pick. 405.
17 Pick. 165.
21 Pick. 535.

CHAP. 104. school district is a party, or interested, though such coroner may, at the time, be a member of the corporation interested.

Same subject.
1821, 93, § 1.

SECT. 61. When the office of sheriff in any county may be vacant, any coroner of such county shall have the like power to execute and return all writs and precepts, which are by law appointed to be served and returned by the sheriff or his deputies, until another sheriff shall be appointed and legally qualified.

Jailer to reside
in the house
provided for
him, as such,
if good and suffi-
cient.
1824, 277.

SECT. 62. Every keeper of a county jail shall reside constantly, with his family, if he have any, within the house provided for such keeper, where good and sufficient buildings are provided for that purpose, in the opinion of the county commissioners of the county, where the buildings are located; and, in case of his neglect so to do, he shall forfeit and pay a sum, not exceeding three hundred dollars, to be recovered by indictment to the use of the county.

**The following page(s) from
“An Act to Amend the Revised Statutes”
include amendments to this chapter.**

may appeal therefrom to the next supreme judicial court to be held for the same county.

The same chapter shall be further amended in the fourteenth section, by inserting, at the close thereof, the following words :

If there shall not be, in the opinion of the court, a reasonable time for the party appealing to produce the sureties required, during the term of the court, the court may designate some justice of the peace, to take such recognizance, within ten days after the adjournment of the court, and the court shall order a stay of execution accordingly; and the recognizance, if so taken, and filed with the clerk, shall be as valid, as if taken in court.

Recognizance on an appeal may be taken by a justice of the peace in certain cases. 1831, 505, § 2, 3.

SECTION 13. The ninety ninth chapter shall be amended in the twenty first section, by striking out the words "or scire facias"; so that the section, as amended, shall be as follows:

R. S. ch. 99.

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, before any court of competent jurisdiction, as is provided for judgments recovered before the judicial courts.

Action of debt on a judgment of a court of county commissioners.

SECTION 14. The one hundred and fourth chapter shall be amended, in the twelfth section, by striking out, after the words "official bond," the following words: "for any neglects or misdoings, which may occur after such new bond shall have been filed and accepted," and inserting the last mentioned words at the close of the section; so that the section, as amended, shall be as follows:

R. S. ch. 104.

SECT. 12. Whenever any surety upon the official bond of any sheriff or coroner, or the heirs, executors or administrators of such surety, shall petition the county commissioners, in the county of such sheriff or coroner, to be discharged from such bond, the court shall cause such sheriff or coroner to be served with an attested copy of the petition, and may require him to give a new bond to their satisfaction; and, upon such new security being given, such surety or his legal representatives shall be free from any further responsibility on such bond, for any neglects or misdoings, which may occur after such new bond shall have been filed and accepted.

New bond may be required of a sheriff or coroner on application of his sureties.

The same chapter shall be amended in the twenty seventh section, by inserting, after the word "deputy," the words "coroner or constable"; so that the section, as amended, shall be as follows:

SECT. 27. Any sheriff or his deputy, coroner or constable, who shall unreasonably refuse or neglect to pay to any person moneys, received by him upon execution, to the use of such person, upon demand made therefor, shall pay five times the lawful interest of such money, so long as he shall unreasonably detain it.

Liability, if coroner or constable detain money collected, after demand.

SECTION 15. The one hundred and fifth chapter shall be amended in the eighteenth section, by striking out the words "as heir, legatee, creditor or debtor, or," and inserting, instead thereof, the words "either in his own right, or in trust, or in any other manner, or be"; and by inserting, after the words "jurisdiction of such estate," the following words: "or if he be interested at the time of his appointment to office"; and by inserting, at the end of said section, the following words: "and in all cases, where, by reason of the interest of the judge, or for any other cause, an estate shall be settled in an adjoining county, the register of probate of such adjoining county shall transmit to the probate office of the county where such estate should otherwise have been settled, copies of all records relating to said estate, to be recorded on the records of the county where such estate belongs"; so that the said eighteenth section, as amended, will be as follows:

R. S. ch. 105.