

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

SEC. 37. He shall, by his personal attendance when practicable, or by the best other means in his power, prepare correct reports of all legal questions argued, and publish the same annually, reporting the cases more or less at large according to his judgment of their importance, so as not unnecessarily to increase the size or number of volumes of reports.

CHAP. 77.
His duties.
1850, c. 173, § 3.

SEC. 38. The volumes shall be of the average size of Metcalf's reports, and equal to them in paper, printing, binding, general finish, and quantity of printed matter. He shall be entitled to the profits of the work, and shall publish at least one volume yearly, and furnish the usual number of copies to the state at the price of two dollars and fifty cents each, and furnish them, for two years after publication, for use in the state at the same price, if he does not relinquish his title to the profits thereof to the state.

How reports
are to be pub-
lished, price
fixed.
1850, c. 173, § 4.

SEC. 39. He shall be bound to prepare and publish the cases argued during his continuance in office, after his retirement, if not done while in office.

Publish cases
argued while
in office.
1850, c. 173, § 5.

CHAPTER 78.

COUNTY COMMISSIONERS.

- SEC. 1. County commissioners elected or appointed, designate their chairman.
2. Vacancies occurring by expiration of term filled by election; tenure of office.
3. Vacancies occurring otherwise are filled by appointment.
4. Mode of election.
5. Mode of determining who is elected; when enters on discharge of duties.
6. General powers and duties prescribed.
7. Fire proof buildings for records and offices.
8. Jails erected and examined; debtors kept separate.
9. Times and places of sessions.
10. Clerk pro tempore to them may be appointed by clerk.
11. Two transact business; one adjourns; clerk may.
12. Compensation at rate of two dollars per day, and ten cents a mile for travel.
13. Accounts for services how kept and settled.
14. Copy of accounts to be published and returned to secretary of state.
15. Commissioner not to be agent to expend money.
16. Give notice to towns of intention to change site of a county building.
17. Towns by their votes to decide upon it.
18. Officers to execute precepts of the board.
19. Warrants of distress when and how issued.
20. Action of debt maintainable on their judgments.
21. Commissioners may obtain loans of money.

SEC. 1. There shall be a board of commissioners for each county, consisting of a chairman and two other citizens resident in the county, elected, or, in case of a vacancy, appointed by the governor, with advice of council. The chairman shall be designated by them at their first meeting on or after the first Monday of January annually, to act for one year.

County com-
missioners
elected or
appointed, &c.
R. S., c. 99,
§ 1, 2,
1842, c. 3,
§ 3, 4.

SEC. 2. Vacancies to occur by expiration of the term of office shall be filled by election on the second Monday of September

Vacancies by
expiration of

CHAP. 78.

term, filled by election.

1844, c. 87,
§ 1, 2.
1852, c. 267.

Vacancies happening otherwise filled by appointment.

1842, c. 3, § 3.
1844, c. 87,
§ 1, 3.

Mode of election.

1842, c. 3,
§ 1, 2.
1847, c. 23, § 2.

Mode of determining who is elected, &c.

1842, c. 3, § 2.
1847, c. 23, § 1.
1856, c. 258.

General powers and duties.
21 Maine, 377.
R. S., c. 99, § 3.

Fire proof buildings for records and offices.

preceding. If but one is elected, he holds office for three years; if two, the one having the highest number of votes holds for three years, and the next highest, for two years; if three, two hold as last provided, and the other, for one year. If two have an equal number of votes, the governor, with advice of council, shall designate who shall hold for the longer, and who for the shorter term.

SEC. 3. When no choice is effected, or a vacancy happens by death, resignation, or removal from the county, the governor, with advice of council, shall appoint a person to fill the vacancy, who shall hold office until the first day of January after another has been chosen to fill the place.

SEC. 4. County commissioners shall be elected on the second Monday of September by the written votes of electors qualified to vote for representatives. The votes shall be received, sorted, counted, and declared, as votes for representatives are; the names of the persons voted for, the number of votes for each, and the whole number of ballots received, shall be recorded by the clerk in the town records, and true copies thereof, sealed and attested as returns of votes for senators, shall be transmitted to the secretary of state within thirty days.

SEC. 5. The governor and council, on or before the first day of December in each year, shall open and compare the votes so returned, and may receive testimony on oath to prove that the return from any town does not agree with the record of the vote of such town in the number of votes, or the names of the persons voted for, and to prove which of them is correct; and the return when found to be erroneous may be corrected by the record. No such correction can be made without application within twenty days after the returns are opened, stating the error alleged, and reasonable notice thereof given to the person to be affected by such correction. The persons having the highest number of votes, not exceeding the number to be chosen, shall be declared elected; and shall be notified thereof by the secretary of state, be sworn, and enter upon the discharge of official duties on the first day of January thereafter. If a number of persons, exceeding the number to be chosen, receive an equal number of votes, no one is elected.

SEC. 6. The commissioners shall provide for the erection and repair of court houses, jails, and other necessary buildings for the county; make estimates and cause assessments of taxes as provided in the chapter respecting the assessment and collection of taxes; examine, allow, and settle accounts of the receipts and expenditures of moneys of the county; represent it; and have the care of its property and the management of its business and concerns. They may, by an order entered of record, appoint an agent to sell and convey its real estate; may lay out, alter, and discontinue ways as provided in the chapter respecting them, and perform all other duties prescribed by law.

SEC. 7. They shall provide fire proof buildings of brick or stone for the safe keeping of records and papers pertaining to the offices of register of deeds, register of probate, clerk of the

courts, with separate fire proof rooms for such offices, with suitable alcoves, cases, or boxes.

SEC. 8. When wanting, in each town where the supreme judicial court is held, they shall provide jails, and separate apartments in them for lodging prisoners for debt separate from criminals. At the commencement of each session required by law, they shall examine the prison, take necessary precaution for the security of prisoners, for the prevention of infection and sickness, and for their accommodation.

SEC. 9. They shall hold sessions at the times and places following:

In the county of York, at Alfred, on the Tuesday next preceding the last Monday of May, and on the second Tuesday of October.

In the county of Cumberland, at Portland, on the first Tuesday of June, and the third Tuesday of December.

In the county of Lincoln, at Wiscasset, on the second Tuesday of January and May, and first Monday of September.

In the county of Kennebec, at Augusta, on the last Tuesdays of April and December, and second Tuesday of August.

In the county of Somerset, at Norridgewock, on the first Tuesdays of March and August, and second Tuesday of December.

In the county of Hancock, at Ellsworth, on the fourth Tuesdays of January, April, and October.

In the county of Washington, at Machias, on the first Wednesdays next after the first Tuesdays of January and October, and the first Wednesday next after the fourth Tuesday of April.

In the county of Oxford, at Paris, on the second Tuesday of May, and the first Tuesday of September.

In the county of Androscoggin, at Auburn, on the first Tuesdays of April and October.

In the county of Sagadahoc, at Bath, on the first Tuesdays of March, July, and November.

In the county of Penobscot, at Bangor, on the first Tuesdays of April and August, and on the second Tuesday of December.

In the county of Waldo, at Belfast, on the third Tuesdays of April and August.

In the county of Franklin, at Farmington, on the last Tuesdays of April and December.

In the county of Piscataquis, at Dover, on the first Tuesdays of April and December.

In the county of Aroostook, at Houlton, on the third Tuesday of January, and on the first Tuesdays of June and July.

SEC. 10. The clerk of the judicial courts in each county is clerk of the commissioners; and when the supreme judicial court and the commissioners are in session at the same time, he may appoint a clerk pro tempore to the commissioners, for whose doings he is responsible. Such clerk shall be sworn, and make a daily record of their doings, and they shall examine it, and when correct certify it, and it shall be copied into their records by the stated clerk.

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R. S., c. 99, § 4.
Jails erected
and examined,
&c.

R. S., c. 99,
§ 5, 6, 7.

Times, &c., of
sessions.

R. S., c. 99, § 8.

1847, c. 30, § 1.

1846, c. 170, § 1.

1845, c. 132, § 1.
1852, c. 255.

1853, c. 15, § 1.
1852, c. 251, § 1.

1853, c. 11, § 1.
1854, c. 53, § 1.

1842, c. 6.

1854, c. 60, § 2.

1854, c. 70, § 3.

1842, c. 33, § 1.

Clerk pro tem-
pore may be
appointed, &c.
R. S., c. 99,
§ 9, 10.

CHAP. 78.

Two transact
business—one
may adjourn—
clerk may
R. S., c. 99,
§ 11.
Compensation.
1850, c. 204, § 1.

SEC. 11. Two commissioners shall constitute a quorum for the transaction of business at any meeting. When one only attends, he may adjourn the meeting to a convenient time and place. If no one attends, the clerk may adjourn as provided in chapter seventy-seven, section twenty-six.

SEC. 12. Each commissioner shall receive two dollars a day, and in that proportion for part of a day, while actually employed in the service of the county, including the time necessarily spent in making drafts or other labor, and exclusive of time spent in traveling, for which he shall be allowed ten cents a mile for the distance actually traveled. His account shall specify the kind of service performed each day or part of a day. They are not to be allowed for service or travel on more than one petition or case at the same time, or for any additional trouble or expense of any kind.

Accounts for
services, how
kept and
settled.
1850, c. 204, § 2.

SEC. 13. Each shall keep an accurate account of his time and travel, specifying the places from and to which he traveled each day, and he shall not be allowed for services not so specified. His account shall be audited and examined by the county attorney and clerk, to the truth of which he shall be sworn before one of them; and they shall certify the amount allowed, and no further sum shall be paid. If a commissioner charges in his account any miles not actually traveled, or time not spent, he forfeits ten dollars for each such charge, to be recovered in an action of debt in the name of the county, one half to the complainant, the other to the county.

Copy to be
published and
returned to
secretary of
state.
R. S., c. 99,
§ 15.

SEC. 14. The clerk shall cause a copy of such account to be published in a newspaper printed in the county, if any, and return a copy of it to the secretary of state on or before the first day of January in each year.

No commis-
sioner to be
agent to ex-
pend money.
R. S., c. 99,
§ 16.

SEC. 15. No commissioner shall be appointed to expend money assessed or raised for any purpose under authority of the board of which he is a member.

Give notice to
towns of in-
tention to
change site of
county build-
ing.
R. S., c. 99,
§ 17.

SEC. 16. They shall not remove a county building, or erect a new one as a substitute for it, in the shire town of the county, at a distance exceeding half a mile from the former location, without giving notice of their intention, and of the place on which it is proposed to have it erected or removed, to the municipal officers of each town in the county, and obtaining the consent of the county as provided in the following section.

Towns to de-
cide upon it.
R. S., c. 99,
§ 18.

SEC. 17. The municipal officers shall present such notice to their town, at its next annual meeting for the choice of state or town officers, and receive, sort, and count, the votes given by persons qualified to vote in town affairs for or against such proposed erection or removal; and they and the clerk shall certify and return them to the office of the clerk of the commissioners, who shall examine them, and carry such removal or erection into effect, or not, according to the decision of a majority of such votes.

Officers to exe-
cute precepts
of the board.
R. S., c. 99,
§ 19.

SEC. 18. Sheriffs and their deputies, coroners, and constables, shall execute all legal processes to them directed by the commissioners.

SEC. 19. Warrants of distress, on judgments legally rendered by the county commissioners, may be originally issued within two years after judgment, and made returnable to the clerk's office within ninety days from their date. New warrants may be issued, within two years from the return day of the last preceding warrant, for sums remaining unsatisfied. No warrant shall be originally issued against a town until twenty days after a certificate of rendition of the judgment is transmitted by their clerk to the assessors of such town. Interest on the damages is to be included and collected by such warrants as in executions.

SEC. 20. A party, for whose benefit a judgment is rendered by them, may recover the amount in an action of debt founded on such judgment.

SEC. 21. County commissioners have power to obtain loans of money for the use of their county, and to cause notes, or obligations, with coupons for lawful interest, to be issued for payment thereof at such times as they deem expedient.

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Warrants of distress, when and how issued.

R. S., c. 99,

§ 20.

R. S., c. 117,

§ 41.

Action of debt on a judgment.

R. S., c. 99,

§ 21.

Commissioners may obtain loans.

CHAPTER 79.

CLERKS OF COURTS, COUNTY ATTORNEYS, AND ATTORNEYS AT LAW.

CLERKS OF COURTS.

- SEC. 1. Mode of election, tenure of office, duties, sworn.
2. Give bond, condition of it.
3. Annual account rendered to treasurer of the county, balance paid.
4. Pay all other money due to treasurer of the county within thirty days after received.
5. Receive and give discharges for sums voluntarily paid.
6. Transmit certificates of fines, &c., to secretary of state.
7. Copies of cases of law in which state is a party to be furnished to the attorney general.
8. Complete records of clerks deceased, under direction of court.
9. Penalty for taking more than legal fees.
10. Court may appoint clerk, when office vacant or clerk absent.
11. Records of clerks to be examined, when found deficient, made or corrected.
12. Disposition of money collected by suit on clerk's bond.

COUNTY ATTORNEYS.

13. Mode of election, tenure of office.
14. Duties prescribed.
15. Duties prescribed continued.
16. Duties respecting sheriff's bond, penalty for neglect.
17. Annual report to attorney general.
18. Court may appoint one in case of vacancy or absence.
19. Restrictions respecting compensation and employment.
20. Duty when informed that a person has been arrested claimed as a fugitive slave.

ATTORNEYS AT LAW.

21. Who may be admitted as attorneys at law.
22. Pays duty and takes oath; form of oath.
23. Parties may manage their own causes personally or by attorneys.
24. If not admitted not entitled to recover for professional services.