

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.

CHAPTER 136.

COLLECTION AND DISPOSAL OF FINES AND COSTS IN CRIMINAL CASES.

DUTY OF THE CLERK IN RELATION THERETO.

- SEC. 1. Certificates of fines and costs, required from the clerk of the judicial courts.
 2. Duty of clerks to collect fines and costs, or issue process.

DUTY OF SHERIFFS AND OTHER OFFICERS.

3. Officers to pay over to county treasurer fines and costs collected.
 4. Penalty for their neglect. Treasurer's duty.
 5. Officers receiving warrants, &c., for collection, to produce receipts to the court, or give a good excuse.
 6. Sheriff to deliver over certain securities to the county treasurer.

DUTY OF JUSTICES OF THE PEACE.

7. Justices of the peace to account for, and pay over fines to treasurer of county or town, and penalty for neglect.

DUTY OF COUNTY TREASURERS.

8. County treasurers to account with state treasurer.
 9. Fees allowed to individuals must be claimed within three years.
 10. County treasurers to account to the state for unclaimed moneys, and for fees allowed the attorneys for the state.
 11. County treasurer to account to the county for jury fees, and for jailer's charges.
 12. Fines and costs in justices' prosecutions, how appropriated.
 13. Treasurer to exhibit a schedule of the same to the commissioners.

DUTY OF COUNTY COMMISSIONERS.

14. Proceedings of commissioners thereon.

DUTY OF THE SECRETARY OF STATE.

15. Secretary of state to compare the treasurer's books with returns of the clerks, &c.
 16. Secretary's duty, as to unpaid fines.

DUTY OF COUNTY ATTORNEYS.

17. The county attorneys shall examine the records of courts, and accounts of treasurers, and move for process to enforce collection.
 18. He shall summon any delinquent officer before the court to show cause why fines are not collected, and use all other means to enforce collections.
 19. When required by the executive, shall report result of his examinations.

DUTY OF THE CLERK IN RELATION THERETO.

Certificates of
fines and costs,
&c.

R. S., c. 152,
§ 17.
1843, c. 29.

SEC. 1. The clerk of the courts shall attest and deliver to the county treasurer duplicate copies of all bills of costs allowed by said courts, and certificates of all fines and forfeitures imposed and accruing to the state or to the county, before the rising thereof, or as soon after as may be, and return to the treasurer of state a certificate of all the fines and forfeitures imposed to the use of the state in said courts.

Duty of clerks
as to fines and
costs.

R. S., c. 152,
§ 18.

SEC. 2. He shall, in default of payment to him of fines, forfeitures, and bills of costs, issue warrants of distress, or such other process therefor as the court finds necessary, to enforce the execution of any order, sentence, or judgment in behalf of the state; deliver them to the sheriff, or to such coroner or con-

stable as the attorney general or county attorney directs, and enter of record the name of the officer and the time when they are delivered to him. CHAP. 136.

DUTY OF SHERIFFS AND OTHER OFFICERS.

SEC. 3. All sheriffs, jailers, constables, and coroners, who, by virtue of their office, receive any fines, forfeitures, or bills of costs, whether they accrue to the state or to the county, except debts and costs received upon execution in favor of the state, shall forthwith pay them to the treasurer of the county in which they accrued. Officers to pay over to county treasurer fines and costs collected.
R. S., c. 152, § 19.

SEC. 4. If any such officer neglects to pay over such fine, forfeiture, or costs, for the space of thirty days after the receipt thereof; or if he permits any person, sentenced to pay such fine, forfeiture, or bill of costs, and committed to his custody, to go at large without payment, unless by order of law, and does not, within thirty days after such escape, pay the amount thereof to the county treasurer, he shall forfeit and pay double the amount; and the county treasurer shall give notice of such neglect to the county attorney, who shall sue therefor in an action of debt, in the name of such treasurer, to the use of the state or county. Penalty for neglect.
Treasurer's duty.
R. S., c. 152, § 20.

SEC. 5. Every sheriff or other officer, to whom any process is committed for the recovery of any such fine, forfeiture, or costs, by the clerk of the courts, shall, at the next session of the court in the same county, produce thereto a receipt in full for the same, or assign a satisfactory excuse for not doing so; and in case of neglect the court shall order a prosecution to be commenced therefor by the county attorney. Officers receive warrants, &c.
R. S., c. 152, § 21.

SEC. 6. The sheriff in each county, as often at least as every three months, shall deliver over to the treasurer of his county, all notes or other securities by him taken for fines and costs, on the liberation of poor convicts from prison pursuant to law. Sheriff to deliver securities to county treasurer.
R. S., c. 152, § 28.

DUTY OF JUSTICES OF THE PEACE.

SEC. 7. Every justice of the peace or judge of a municipal or police court shall render an account of and pay over all fines and forfeitures by him received upon convictions and sentences before him, accruing to the state or the county, to the treasurer of the county, and when they accrue to the town, to the treasurer of the town, within six months after he receives the same; and for any neglect, he shall forfeit and pay, in each instance, double the amount, to be recovered in an action of debt in the name of the county treasurer, when they accrue to the state or county, and in the name of the town treasurer, when they accrue to the town. Justice to pay over fines to treasurer of county or town, &c.
R. S., c. 152, § 22, 37.

DUTY OF COUNTY TREASURERS.

SEC. 8. The county treasurer shall make out his account of all bills of costs, allowed and taxed against the state by the judicial courts in his county, and give credit for all fines, forfeitures, and costs, accruing to the state, by him received, and pay County treasurers to account with state treasurer.
R. S., c. 152, § 23.

CHAP. 136. over the net balance thereof to the state treasurer, if any is due to the state; or, if otherwise, receive such balance from the state treasurer, in the manner and under the penalties provided by law.

Fees must be claimed within three years.
R. S., c. 152, § 24.

SEC. 9. All sums allowed to any person as fees, or for expenses in any criminal prosecution, which are chargeable to the state and payable from the county treasury, may be claimed by such person of the county treasurer, at any time within three years after the allowance, and not afterwards.

County treasurers to account for unclaimed moneys, &c.
R. S., c. 152, § 25.

SEC. 10. Every county treasurer, in his general account, shall credit the state with all sums of money remaining unclaimed, as mentioned in the preceding section; and with all sums taxed in any bill of costs, in a criminal prosecution, for the fees of the attorney general or county attorney, when no other person is entitled thereto; and the amount shall be deducted from the county treasurer's account against the state.

County treasurer to account for jury fees, &c.
R. S. c. 152, § 26.

SEC. 11. Every county treasurer shall account with the county for all sums allowed to, or received by him out of the treasury of the state for jury fees and for jailer's charges for the support of prisoners.

Fines and costs in justices' prosecutions, how appropriated.
R. S., c. 152, § 27.

SEC. 12. All fines imposed by justices of the peace to the use of the state, and all costs accruing to the state in such prosecutions, shall be paid into the county treasury to be appropriated to the payment of criminal costs allowed by the supreme judicial court; and the county treasurer shall credit his county with the same instead of the state.

Treasurer to exhibit a schedule of the same to the commissioners.
R. S., c. 152, § 29.

SEC. 13. A schedule of all notes and securities, with the amount due on each, received by the county treasurer from the sheriff pursuant to section six, shall be by him laid before the county commissioners at their next session, to be filed with the clerk.

DUTY OF COUNTY COMMISSIONERS.

Proceedings of commissioners thereon.
R. S., c. 152, § 30.

SEC. 14. The county commissioners, from time to time, shall examine such notes and securities; order the county attorney to take such measures for their collection as they judge expedient, or authorize the treasurer to compound and cancel them on such terms as they direct.

DUTY OF THE SECRETARY OF STATE.

Secretary of state to compare the treasurer's books, &c.
R. S., c. 152, § 31.

SEC. 15. The secretary of state, from time to time, as the governor and council directs, shall cause the books of the treasurer of state, and the accounts of the several county treasurers deposited in the office of the treasurer of state, to be compared with the returns made to him from the clerks of the judicial courts, and shall ascertain what fines, forfeitures, and bills of costs have not been paid over to the use of the state.

Secretary's duty, as to unpaid fines.
R. S., c. 152, § 32.

SEC. 16. He shall make out separate schedules for each county, of unpaid fines, forfeitures, and bills of costs; make appropriate entries and records thereof to be kept in his office;

and transmit such schedules to the county attorneys, certifying thereon that the same appear to be due and unpaid. CHAP. 136.

DUTY OF COUNTY ATTORNEYS.

SEC. 17. The county attorneys shall examine the records and files in the offices of clerks in their counties, and the certificates and accounts in the offices of the county treasurers, relating to fines, forfeitures, and bills of costs, accruing to the state; ascertain, as far as practicable, the causes of any delinquencies in paying over the same; and move the court for all necessary orders and processes to enforce the collection thereof.

The county attorneys shall examine records, &c.
R. S., c. 152, § 33.

SEC. 18. When it appears that any sheriff or other officer is not discharged of any fine, forfeiture, or bill of costs, committed to him to collect, the county attorney shall cause him to be summoned and brought before the court that imposed it, to show a proper discharge, or the cause for not collecting and paying it over; and he shall carry into execution all lawful orders of the court relating to the collection and payment thereof, and, by all other means pertaining to his office, promote and enforce the same.

He shall summon any delinquent officer before the court, &c.
R. S., c. 152, § 34, 35.

SEC. 19. The county attorneys, when required by the governor and council, shall make out and transmit to the secretary of state a report of the result of the investigation made by them under section seventeen.

When required shall report result of his examinations.
R. S., c. 152, § 36.

CHAPTER 137.

DISPOSAL OF INSANE CRIMINALS.

- SEC. 1. When a person is committed to jail by a magistrate on a criminal charge, any justice of the court may order him to the insane hospital.
2. When a grand or trial jury omits to find against any accused by reason of insanity, court shall commit him to the hospital.
 3. How he shall be supported at the hospital.
 4. How and by whom he may be discharged therefrom.
 5. When an inmate of the state prison becomes insane, how and by whom he may be sent to the hospital.

SEC. 1. When any person is indicted for a criminal offence, or is committed to jail on a charge thereof by a justice of the peace or judge of a police or municipal court, any judge of the court before which he is to be tried, when a plea of insanity is made in court, or he is notified that it will be made, may, in vacation or term time, order such person into the care of the superintendent of the insane hospital, to be detained and observed by him till the further order of the court, that the truth or falsity of the plea may be ascertained.

When a person is committed to jail on a criminal charge, &c.
1847, c. 33, § 15.
1848, c. 79, § 3.

SEC. 2. When the grand jury omits to find an indictment against any person arrested by legal process to answer for any offence, by reason of his insanity, they shall certify that fact to

When a jury omits to find against any accused by