

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 135.

R. S., c. 135,
§ 11.
See 1883,
c. 205, § 5.

an attested copy of the warrant and return in the office of the clerk of the court where the conviction was had; and the clerk shall file the same with the indictment, and submit to the record a brief abstract of such return.

LIBERATION OF POOR CONVICTS.

Convict, unable to pay fine or costs, how to be liberated after thirty days.

1879, c. 132,
74 Me., 220.

—convict's note and sworn schedule.

—such convict may be placed at labor.

Such notes are a lien on convict's real estate.

R. S., c. 135,
§ 13.

Penalty, for making a false schedule of property.

R. S., c. 135,
§ 14.

SEC. 17. Except when otherwise expressly provided, any convict, sentenced to pay a fine or costs, and committed for default thereof and for no other cause, who is unable to pay the same, may be liberated by the sheriff, after thirty days from his commitment, by giving his note for the amount due, to the treasurer of the same county, accompanied by a written schedule of all his property of every kind, signed and sworn to before the sheriff, jailer or any justice of the peace or trial justice, and the sheriff shall deliver the same to said treasurer, for the use of the county, within thirty days; and all convicts so committed may be placed at labor in the same manner as persons sentenced to imprisonment and labor.

SEC. 18. Such note continues a lien on all the maker's real estate until it is fully paid; and if judgment is rendered on it in favor of the treasurer, the same proceedings may be had on the execution as in other cases of contract.

SEC. 19. If such convict is convicted of knowingly and wilfully making a false schedule, on oath, as to the nature or amount of his property, he shall receive no benefit from his liberation, but may be again imprisoned until the performance of the original sentence.

CHAPTER 136.

COLLECTION AND DISPOSAL OF FINES AND COSTS IN CRIMINAL CASES.

DUTY OF CLERKS IN RELATION THERETO.

- SEC. 1. Fines, forfeitures and criminal costs, shall be paid to the county. Criminal costs and expenses shall be paid by the county. Clerks shall make duplicate copies of such bills of costs, and certificates of fines.
2. Duty of clerks to collect fines and costs, or to issue process therefor.

DUTY OF SHERIFFS AND OTHER OFFICERS.

- SEC. 3. Officers shall pay over to the county treasurer, fines and costs collected.
4. Penalty for their neglect. Duty of treasurer and county attorney.
5. Officers, receiving process for collection of fines, shall produce receipts to the court, or give a good excuse.
6. Sheriff shall deliver certain securities to the county treasurer, quarterly.

DUTY OF TRIAL JUSTICES AND JUDGES OF MUNICIPAL AND POLICE COURTS.

- SEC. 7. Magistrates shall account for, and pay over fines to the treasurer of the county or town. Duty of municipal and police judges, and their recorders and clerks. Penalty for neglect.

- SEC. 8. Magistrate shall keep a docket, and present it to the county commissioners. They may summon him before them. Proceedings.
9. County commissioners may issue a *capias*, if he fails to appear.

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DUTIES OF COUNTY TREASURERS.

- SEC. 10. Fees must be claimed of treasurer within three years.
11. Treasurer shall exhibit to the county commissioners, a schedule of prisoners' notes for costs. Duty of commissioners.
12. County treasurer shall publish a list of criminal costs.
13. Treasurer shall make an annual report to the attorney general.
14. Neglect so to report, is a breach of his bond. Penalty, how to be enforced.

DUTY OF COUNTY ATTORNEYS.

- SEC. 15. Each county attorney shall examine the records of clerks and accounts of treasurers, and move for process to enforce collection.
16. Shall summon delinquent officers before the court to enforce collections.

DUTY OF THE CLERK IN RELATION THERETO.

SEC. 1. All fines, forfeitures, and costs in criminal cases shall be paid into the treasury of the county where the offence is prosecuted, for the use of such county, and all the costs and expenses attending the administration of criminal justice therein, shall be paid by said county, unless otherwise specially provided. The supreme judicial court, and the superior courts shall allow bills of costs accruing therein, but all other costs and expenses in criminal cases shall be audited by the commissioners of the county where they accrued. Clerks of courts shall attest duplicate copies of all bills of costs allowed therein, and certificates of all fines and forfeitures imposed and accruing to the county, before the rising of the court, or immediately after, and deliver one of said copies and certificates to the county treasurer, and retain one for the use of the county commissioners.

Fines, forfeitures and criminal costs, shall be paid to county.
R.S., c. 136, § 1.

—criminal costs and expenses to be paid by the counties.
—clerks shall make duplicate copies of bills of such costs, and certificates of fines.

SEC. 2. Each clerk, in default of payment to him of fines, forfeitures, and bills of costs, shall 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 constable as the county attorney directs, and enter of record the name of the officer and the time when they are delivered to him.

Duty of clerks to collect fines and costs, or to issue process for their collection.
R.S., c. 136, § 2.

DUTY OF SHERIFFS AND OTHER OFFICERS.

SEC. 3. Sheriffs, jailers, constables, and coroners, who, by virtue of their office, receive any fines, forfeitures, or bills of costs, except debts and costs received upon executions in favor of the State, shall forthwith pay them to the treasurer of the county in which they accrued.

Officers shall pay over to county treasurer fines and costs collected.
R.S., c. 136, § 3.
Penalty for neglect.
R.S., c. 136, § 4.

SEC. 4. If any such officer neglects to pay over such fine, forfeiture, or costs, for 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 forfeits to the county 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.

—duty of treasurer and county attorney.

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Duty of officers receiving process for recovery of fines. R.S., c. 136, § 5.

Sheriff shall deliver notes and securities to treasurer, quarterly. R.S., c. 136, § 6.

Magistrate shall pay over fines to treasurer of county or town. 1883, c. 235. See c. 132, § 18.

—penalty.

—municipal or police judge shall report monthly to town officers an account of all trials, and fines imposed.

—penalty for neglect.

—duty of recorder or clerk.

Trial justices and municipal and police judges shall keep docket of fines and forfeitures. 1874, c. 161.

—docket shall be transmitted to county commissioners.

—commissioners may summon magistrate to appear before them.

—he may be examined.

—when he may be compensated.

SEC. 5. Every sheriff or other officer, to whom any process for the recovery of such fine, forfeiture, or costs, is committed 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 so doing; and in case of neglect, the court shall order a prosecution to be commenced therefor by the county attorney.

SEC. 6. Each sheriff, as often as every three months, shall deliver 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.

DUTY OF TRIAL JUSTICES, AND JUDGES OF MUNICIPAL AND POLICE COURTS.

SEC. 7. Every trial justice or judge of a municipal or police court shall render, under oath, an account of all fines and forfeitures upon convictions and sentences before him, and pay them over within six months after he receives the same; to the treasurer of the county, if they accrue to the State or the county, and to the treasurer of the town, if they accrue to the town; and for any neglect, he forfeits, 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. Every judge of a municipal or police court, shall, once in each month, make and return under oath to the mayor and aldermen of his city, or to the municipal officers of his town, a correct account of all examinations and trials had before him of persons accused of offences, and of all fines and forfeitures by him imposed or received, upon conviction or sentence, and of all fees and costs by him received, under a penalty of one hundred dollars for each neglect, to be recovered by indictment. In municipal or police courts having a recorder or clerk, such officer, instead of the judge, shall make the monthly returns and accounts aforesaid; and such officer is liable to the penalties hereinbefore provided for judges for neglect thereof.

SEC. 8. Every such trial justice, or judge shall keep a correct docket of all examinations and trials before him of persons accused of offences, setting forth therein a true account of all fines and forfeitures by him imposed or received upon conviction or sentence; and once a year shall deliver or transmit to the county commissioners of his county at one of their regular sessions such docket, or a copy thereof, accompanied by his affidavit that he has faithfully complied with the requirements of the preceding section; and said commissioners shall examine said docket or copies and may summon such justice or judge to appear before them with his original docket and records, by not less than ten days' written notice served by giving him a copy in hand, or by leaving it at his last and usual place of abode. He may be examined on oath relative to his official conduct, and if it is found that he has faithfully observed the requirements of law he shall be allowed a reasonable compensation for his travel and expenses, to be paid from the county treasury.

SEC. 9. If he fails to appear, the commissioners may issue a *capias* and have him brought, with his papers, before them; and if he fails to show reasonable cause for his neglect, he shall pay the expenses of bringing him before the commissioners, and they may issue a warrant of distress for collection of the same.

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If he fails to appear, *capias* may issue.
R. S., c. 136, § 9.

DUTIES OF COUNTY TREASURERS.

SEC. 10. Sums allowed to any person as fees, or for expenses in any criminal prosecution, 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.

Fees must be claimed within three years.
R. S., c. 136, § 10.

SEC. 11. 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, and 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.

Treasurer shall exhibit schedule of notes to county commissioners.
R. S., c. 136, § 11.

—proceedings thereon.

SEC. 12. Each county treasurer shall, at the close of each criminal term of the supreme judicial or superior court, and of each term of the court of county commissioners, in his county, publish in some paper printed in said county for three weeks successively, a list containing the aggregate amount of costs allowed in each case, and specifying the court or magistrate that allowed the same, and before whom the case originated.

County treasurer shall publish list of costs.
R. S., c. 136, § 12.

SEC. 13. He shall, on or before the twentieth day of November, annually, make a report to the attorney general, showing the amount paid out of his office during the year ending on the first day of said November, for costs of prosecutions in the supreme judicial court, and in the superior court; upon bills of costs allowed by county commissioners for support of prisoners in jail; and to grand jurors and to traverse jurors at terms of court held for criminal business; also the amount received from fines, costs, and forfeitures in said courts, from magistrates, jailers and other officers.

Treasurer shall make annual report to attorney general.
R. S., c. 136, § 13.
69 Me., 368.

SEC. 14. Neglect to make and forward such report is a breach of his official bond, and for every day of such neglect he forfeits five dollars to the State, and the attorney general shall bring an action on such treasurer's official bond, to recover such forfeiture.

Neglect is a breach of treasurer's bond.
1877, c. 168, §§ 1, 2.
69 Me., 368.

DUTY OF COUNTY ATTORNEYS.

SEC. 15. County attorneys shall examine the records and files in the offices of clerks, and the certificates and accounts in the offices of treasurers, relating to fines, forfeitures and bills of costs accruing to their counties; ascertain, so 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.

Each county attorney shall examine records of clerks and treasurers.
R. S., c. 136, § 14.

SEC. 16. When it appears that any sheriff or other officer is not discharged of any fine, forfeiture, or bill of costs, committed to him to col-

He shall summon delinquent

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 sheriff or
 other officer
 before court.
 R. S., c. 136,
 § 15.

lect, 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 shall, by all other means pertaining to his office, promote and enforce the same.

CHAPTER 137.

DISPOSAL OF INSANE CRIMINALS.

- SEC. 1. When a person, committed by a magistrate on a criminal charge, pleads insanity, any justice of the court may order him to the insane hospital.
2. When a grand or traverse jury omit to find against any accused person by reason of insanity, court shall commit him to the insane department of the state prison, or to the hospital. How he may be discharged from the insane department, to be recommitted if found insane or dangerous.
3. How and by whom such person may be discharged from the hospital. Bond must be given; when and by whom he may be recommitted.
4. How he shall be supported at the hospital.
5. When an inmate of the state prison or county jail becomes insane, how and by whom he may be sent to the hospital.
6. Incurable insane convicts may be removed by the governor and council from the hospital to the insane department of the state prison.
7. Murderers, found to be insane when sentence is issued, may be removed to the hospital by the court. Proceedings.
8. Sentenced murderers, becoming insane, may be respited by the executive during insanity.

When a person, committed to jail on a criminal charge, pleads insanity, proceedings. R.S., c. 137, § 1.

SEC. 1. When a person is indicted for an offence, or is committed to jail on a charge thereof by a trial justice, or judge of a police or municipal court, any justice of the court before which he is to be tried, if 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 until further order of court, that the truth or falsity of the plea may be ascertained.

When grand jury omit to indict, or traverse jury acquit, on account of the insanity of the accused, they shall so certify to court. 1879, c. 160, § 1.

SEC. 2. When the grand jury omit to find an indictment against any person arrested to answer for an offence, by reason of his insanity, they shall certify that fact to the court; and when a traverse jury, for the same reason, acquit any person indicted, they shall state that fact to the court when they return their verdict; and the court, by a precept stating the fact of insanity, may commit him to the insane department of the state prison or to the insane hospital; and any person so committed shall be discharged by the court having jurisdiction of the case only on satisfactory proof that his discharge will not endanger the peace and safety of the community; and when such person so discharged is on satisfactory proof again found insane and dangerous, any justice of the

—how court shall dispose of such accused.