

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1833.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND THIRTY-THREE.

AN ACT to establish the Fees of Clerks of Courts,
and giving further remedies on Clerks' Bonds.

SEC. 1. *Be it enacted by the Senate and*
2 House of Representatives, in Legislature as-
3 ssembled, That it shall be the duty of the Clerk
4 of the Judicial Courts, in each County, to keep
5 a fair, full and correct account of all sums, re-
6 ceived by him, for each, every and all fees, per-
7 quisites [and emoluments, of every kind, for or
8 on account of any service or services, by him
9 rendered, in his capacity of Clerk, and in dis-

10 charging all and every duty of said office, includ-
11 ing his pay for all copies, attestations and docu-
12 ments, of every character, made by him as Clerk ;
13 and he shall annually, on the first Wednesday of
14 April, make a fair schedule of said sums, to
15 which schedule he shall add a perfect list of all
16 debts due to him, accruing within the year, for
17 any and all services, of the descriptions aforesaid,
18 and shall express therein the aggregate amount
19 of all such receipts and debts, and deliver said
20 schedule and list, verified by oath, to the Treas-
21 urer of his County; and having deducted from
22 said aggregate amount—viz: The Clerk of the
23 County of Cumberland having deducted one
24 thousand and fifty dollars; the Clerk of the
25 County of Kennebec one thousand dollars; the
26 Clerk of the County of Lincoln eight hundred
27 and fifty dollars; the Clerk of the County of
28 York eight hundred and fifty dollars; the Clerk
29 of the County of Penobscot eight hundred and
30 fifty dollars; the Clerks of the respective Coun-
31 ties of Somerset, Waldo and Washington, each

32 six hundred dollars; the Clerk of the County of
 33 Oxford five hundred dollars; the Clerk of the
 34 County of Hancock four hundred dollars;—shall
 35 thereupon pay the balance of said aggregate
 36 amount to the Treasurer of the County, for the
 37 use of said County. And no claim, in favor of
 38 any Clerk against his County, for services of any
 39 kind, rendered by him in said capacity, or for
 40 clerk hire or any aid in discharging his duties as
 41 Clerk, shall be made or allowed, whereby the
 42 whole amount of his fees, perquisites and emol-
 43 uments shall exceed the compensation above al-
 44 lowed to him.

SEC. 2. *Be it further enacted*, That, in
 2 case any Clerk shall neglect to account and pay
 3 over, as required in the foregoing section, it
 4 shall be the duty of the County Treasurer to
 5 communicate information thereof to the Gover-
 6 nor, provided such neglect shall be continued
 7 more than three months.

SEC. 3. *Be it further enacted*, That, in the
 2 adjustment of claims between the Clerk and his

3 County, relative to fees and emoluments, which
4 shall have accrued to him between the close of
5 the year, for which he made his last return and
6 settlement, and the day on which this is to take
7 effect, he may retain, for his own use, such pro-
8 portion of one thousand dollars as the time afore-
9 said shall bear to one year. And of the residue
10 of said fees and emoluments, he may retain one
11 half to himself, and the other half he shall ac-
12 count for, and, within one month from the day
13 on which this Act is to take effect, pay over to
14 the County Treasurer, having first verified his
15 account thereof on oath.

SEC. 4. *Be it further enacted,* That, in the
2 adjustment of claims between the Clerk and the
3 County, relative to fees and emoluments which
4 shall hereafter accrue for that part of a year
5 which may elapse between the time of his en-
6 tering upon the duties of the office and the said
7 first Wednesday of April, or for that part of a
8 year which may elapse between said first
9 Wednesday of April and the time when he, for

10 any cause, shall cease to be Clerk, he may re-
11 tain for himself such proportion of the annual
12 compensation, allowed in the first section of this
13 Act, as the said time, during which he shall have
14 performed the duties of Clerk, shall bear to a
15 year. And the surplus of all said fees and emol-
16 uments, accruing as aforesaid, during said part
17 of the year, he shall account for on oath as afore-
18 said, and pay over, as in said section is required.

SEC. 5. *Be it further enacted*, That, al-
2 though there may not accrue to any Clerk, for
3 any year or part of a year, fees, perquisites and
4 emoluments to the amount which, by the pre-
5 ceding sections, he is authorized to retain for his
6 own use, he shall not be entitled to make any
7 claim against the County, by reason of such de-
8 ficiency.

SEC. 6. *Be it further enacted*, That, when
2 the office is vacated by the death of the Clerk,
3 it shall be the duty of his successor in such of-
4 fice to take charge of the accounts of such de-
5 ceased Clerk, and to complete and perfect such

6 accounts in the best manner he can, and to de-
7 posit the same with the County Treasurer: and
8 the Treasurer of any County shall sue for and
9 enforce payment of all moneys due from any
10 Clerk, and which ought to be paid over to him
11 for the use of the County.

SEC. 7. *Be it further enacted,* That any
2 person or party aggrieved at the neglect or mis-
3 doings of any Clerk of the Judicial Courts, and
4 having ascertained the amount of his damages
5 by judgment against such Clerk or his legal rep-
6 resentatives, shall, in the name of the State,
7 have like remedy on the bond of said Clerk as
8 is now provided for any person or party ag-
9 grieved at the neglect or misdoings of any sheriff,
10 his deputy, or any coroner, in and by the Act
11 entitled "An Act providing Bonds shall be giv-
12 en by Sheriffs and Coroners to the Treasurer of
13 this State, and giving remedies thereon," passed
14 June twenty-fourth, in the year one thousand
15 eight hundred and twenty. And each and eve-
16 ry Clerk of the Judicial Courts shall, and is

17 hereby required to give a new bond, with sure-
 18 ties as now provided by law, conditioned for the
 19 faithful performance of all the duties of his office,
 20 as well as for the payment of all moneys receiv-
 21 ed and accruing to him, by virtue of his office as
 22 Clerk, as directed by law. And this Act shall
 23 take effect from and after the first day of April
 24 next: and all Acts and parts of Acts, inconsist-
 25 ent with the provisions of this Act, be and the
 26 same are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 1, 1833. }

The Committee on the Judiciary, to whom was referred "An Act to establish the Fees of Clerks of Courts, and giving further remedies on Clerks' Bonds," have had the same under consideration, and directed me to report that said Bill ought not to pass.

JOHN D. McCRATE, *per order.*

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 1, 1833. }

Ordered, That three hundred copies of the foregoing Report
and Bill be printed for the use of the Legislature.

[Extract from the Journal.]

Attest: ASAPH R. NICHOLS, *Clerk.*