MAINE STATE LEGISLATURE

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1835.

AUGUSTA:
WILLIAM J. CONDON, PRINTER.
1835.
AN ACT to establish the Salaries of Clerks of Courts and giving further remedies on Clerk's Bonds.

Section 1. Be it enacted by the Senate and 2 House of Representatives, in Legislature as- 3 sembled. 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 on 8 account of any service or services by him ren- 9 dered in his capacity of Clerk, and in discharging
all and every duty of said office, including his
pay for all copies, attestations and documents of
every character made by him as Clerk; and he
shall annually on the first Wednesday of April,
make a fair schedule of said sums, to which
schedule he shall add a perfect list of all debts
due to him, accruing within the year for any and
all services of the descriptions aforesaid, and
shall express therein the aggregate amount of all
such receipts and debts, and deliver said sche-
dule and list, verified by oath, to the Treasurer
of his County; and having deducted from said
aggregate amount, viz: That the Clerk of the
County of Penobscot having deducted two thou-
sand dollars; the Clerk of the County of Ken-
nebec sixteen hundred dollars; the Clerk of the
County of Cumberland fifteen hundred dollars;
the Clerks of the respective Counties of York,
Lincoln and Washington eleven hundred dollars
each; the Clerk of the County of Somerset one
thousand dollars; the Clerk of the County of
Waldo nine hundred dollars; the Clerk of the
County of Oxford eight hundred dollars; the
Clerk of the County of Hancock five hundred dol-
lars; shall thereupon pay the balance of said aggre-
gate amount to the Treasurer of the County for the use of said County. And no claim in favor of any Clerk against his County for services of any kind rendered by him in said capacity, or for Clerk hire or any aid in discharging his duties as Clerk, shall be made or allowed, whereby the whole amount of his fees, perquisites and emoluments shall exceed the compensation above allowed to him.

SECT. 2. Be it further enacted, That in case any Clerk shall neglect to account and pay over as required in the foregoing section, it shall be the duty of the County Treasurer to communicate information to the Governor, provided such neglect shall be continued more than three months.

SECT. 3. Be it further enacted, That in the adjustment of claims between the Clerk and his County, relative to fees and emoluments which shall have accrued to him between the close of the year, for which he made his last return and settlement, and the day on which this Act is to take effect, he may retain for his own use such portion of one thousand dollars as the time aforesaid shall bear to one year. And of the residue of said fees
and emoluments he may retain one half to him-
self and the other half he shall account for, and
within one month from the day on which this
Act is to take effect, pay over to the County
Treasurer, having first verified his account there-
of on oath.

Sect. 4. Be it further enacted, That in the
adjustment of claims between the Clerk and the
County, relative to fees and emoluments which
shall hereafter accrue for that part of the year
which may elapse between the term of his en-
tering upon the duties of the office and the said
first Wednesday of April, or for that part of a
year which may elapse between said first
Wednesday of April and the time when he for
any cause shall cease to be Clerk, he may retain
for himself such proportion of the annual com-
pensation allowed in the first section of this Act,
as the said time during which he shall have per-
formed the duties of Clerk shall bear to a year.
And the surplus of all said fees and emoluments
accruing as aforesaid during said part of the year,
he shall account for on oath as aforesaid, and pay
over as in said section required.
SECT. 5. Be it further enacted, That although there may not accrue to any Clerk for any year or part of year, fees, perquisites and emoluments to the amount which by the preceding sections he is authorized to retain for his own use, he shall not be entitled to make any claim against the County by reason of such deficiency.

SECT. 6. Be it further enacted, That when the office is vacated by the death of the Clerk, it shall be the duty of his successor in such office to take charge of the accounts of such deceased Clerk, and to complete and perfect such accounts in the best manner he can, and to deposite the same with the County Treasurer; and the Treasurer of any County shall sue for and enforce payment of all moneys due from any Clerk and which ought to be paid over to him for the use of the County.

SECT. 7. Be it further enacted, That any person or party aggrieved at the neglect or misdoings of any Clerk of the Judicial Courts, and having ascertained the amount of his damages by judgment against such Clerk or his legal representatives, shall in the name of the State have like
remedy on the bond of said Clerk as is now pro-
vided for any person or party aggrieved at the
neglect or misdoings of any Sheriff, his Deputy,
or any Coroner, in and by an Act entitled "An
Act providing Bonds shall be given by Sheriffs
and Coroners to the Treasurer of this State
and giving remedies thereon," passed June
twenty-fourth, in the year one thousand eight
hundred and twenty. And each
and every Clerk of the Judicial Courts shall
and is hereby required to give a new bond, with
sureties as is now provided by law, conditioned
for the faithful performance of all the duties of
his office as Clerk as directed by law. And this
Act shall take effect from and after the first day
of April next: and all Acts and parts of Acts
inconsistent with the provisions of this Act, be
and the same are hereby repealed:
STATE OF MAINE.

In Senate, February 14th, 1835.

This Bill, reported by Mr. Tobin, (from the Joint Select Committee to which the same had been committed,) was read once and ordered to lie on the table, and that five hundred copies be printed for the use of the Legislature.

[Extract from Journal.]

Attest, WILLIAM TRAFTON, Secretary.