

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1835.

AUGUSTA:
WILLIAM J. CONDON,.....PRINTER.

1835.

FIFTEENTH LEGISLATURE.

NO. 19.

SENATE.

STATE OF MAINE.

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

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

10 all and every duty of said office, including his
11 pay for all copies, attestations and documents of
12 every character made by him as Clerk; and he
13 shall annually on the first Wednesday of April,
14 make a fair schedule of said sums, to which
15 schedule he shall add a perfect list of all debts
16 due to him, accruing within the year for any and
17 all services of the descriptions aforesaid, and
18 shall express therein the aggregate amount of all
19 such receipts and debts, and deliver said sche-
20 dule and list, verified by oath, to the Treasurer
21 of his County; and having deducted from said
22 aggregate amount, viz: That the Clerk of the
23 County of Penobscot having deducted two thou-
24 sand dollars; the Clerk of the County of Ken-
25 nebec sixteen hundred dollars; the Clerk of the
26 County of Cumberland fifteen hundred dollars;
27 the Clerks of the respective Counties of York,
28 Lincoln and Washington eleven hundred dollars
29 each; the Clerk of the County of Somerset one
30 thousand dollars; the Clerk of the County of
31 Waldo nine hundred dollars; the Clerk of the
32 County of Oxford eight hundred dollars; the
33 Clerk of the County of Hancock five hundred dol-
34 lars; shall thereupon pay the balance of said aggre-

35 gate amount to the Treasurer of the County for
 36 the use of said County. And no claim in favor of
 37 any Clerk against his County for services of any
 38 kind rendered by him in said capacity, or for
 39 Clerk hire or any aid in discharging his duties as
 40 Clerk, shall be made or allowed, whereby the
 41 whole amount of his fees, perquisites and emol-
 42 uments shall exceed the compensation above al-
 43 lowed to him.

SECT. 2. *Be it further enacted,* That in case
 2 any Clerk shall neglect to account and pay over
 3 as required in the foregoing section, it shall be
 4 the duty of the County Treasurer to commu-
 5 nicate information to the Governor, provided
 6 such neglect shall be continued more than three
 7 months.

SECT. 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 the
 5 year, for which he made his last return and settle-
 6 ment, and the day on which this Act is to take ef-
 7 fect, he may retain for his own use such portion of
 8 one thousand dollars as the time aforesaid shall
 9 bear to one year. And of the residue of said fees

10 and emoluments he may retain one half to him-
11 self and the other half he shall account for, and
12 within one month from the day on which this
13 Act is to take effect, pay over to the County
14 Treasurer, having first verified his account there-
15 of on oath.

SECT. 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 the year
5 which may elapse between the term 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 retain
11 for himself such proportion of the annual com-
12 pensation allowed in the first section of this Act,
13 as the said time during which he shall have per-
14 formed the duties of Clerk shall bear to a year.
15 And the surplus of all said fees and emoluments
16 accruing as aforesaid during said part of the year,
17 he shall account for on oath as aforesaid, and pay
18 over as in said section required.

SECT. 5. *Be it further enacted,* That al-
 2 though there may not accrue to any Clerk for
 3 any year or part of 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.

SECT. 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 office
 4 to take charge of the accounts of such deceased
 5 Clerk, and to complete and perfect such accounts
 6 in the best manner he can, and to deposite the
 7 same with the County Treasurer; and the Treas-
 8 urer of any County shall sue for and enforce
 9 payment of all moneys due from any Clerk and
 10 which ought to be paid over to him for the use of
 11 the County.

SECT. 7. *Be it further enacted,* That any per-
 2 son or party aggrieved at the neglect or misdoings
 3 of any Clerk of the Judicial Courts, and having
 4 ascertained the amount of his damages by judg-
 5 ment against such Clerk or his legal representa-
 6 tives, shall in the name of the State have like

7 remedy on the bond of said Clerk as is now pro-
8 vided for any person or party aggrieved at the
9 neglect or misdoings of any Sheriff, his Deputy,
10 or any Coroner, in and by an Act entitled "An
11 Act providing Bonds shall be given by Sheriffs
12 and Coroners to the Treasurer of this State
13 and giving remedies thereon," passed June
14 twenty-fourth, in the year one thousand eight
15 hundred and twenty . And each
16 and every Clerk of the Judicial Courts shall
17 and is hereby required to give a new bond, with
18 sureties as is now provided by law, conditioned
19 for the faithful performance of all the duties of
20 his office as Clerk as directed by law. And this
21 Act shall take effect from and after the first day
22 of April next: and all Acts and parts of Acts
23 inconsistent with the provisions of this Act, be
24 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.

WM. J. CONDON...PRINTER TO THE STATE.