

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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## THE LEGISLATURE,

OF THE

## STATE OF MAINE,

DURING ITS SESSION

A. D. 1837.

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*AUGUSTA:*  
SMITH & ROBINSON,.....PRINTERS.

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1837.

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# SEVENTEENTH LEGISLATURE.

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No. 41.

HOUSE.

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New Draft as an Amendment.

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## STATE OF MAINE.



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

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### AN Additional ACT respecting Sheriffs.

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SECTION 1. *Be it enacted by the Senate  
2 and House of Representatives, in Legislature  
3 assembled, That the Sheriffs in their respective  
4 Counties in this State, shall have and exercise  
5 all the powers and perform all the duties which  
6 they now have, and which are incumbent on  
7 them by law, except as is provided in this Act :  
8 Provided however, That from and after the  
9 last day of June next, they shall not exer-  
10 cise any of said powers, or perform any of said  
11 duties, by deputy, and their bonds shall be con-  
12 ditional only for the faithful performance of their  
13 own duties.*

SECT. 2. *Be it further enacted,* That there  
 2 shall be appointed and commissioned by the  
 3 Governor, with the advice and consent of Coun-  
 4 cil, such additional number of suitable persons  
 5 to be Sheriffs in each County, as shall be deemed  
 6 necessary, who shall have power and it shall be  
 7 the duty of each to do and perform any and all  
 8 such acts and services, within their respective  
 9 Counties, as Sheriffs or Deputy Sheriffs before  
 10 the passing of this Act might do and perform.

SECT. 3. *Be it further enacted,* That there  
 2 shall be appointed and commissioned by the  
 3 Governor, with the advice and consent of the  
 4 Council, some suitable person in each County,  
 5 who shall have the custody, rule and charge of  
 6 the gaol in his County, and of all prisoners there-  
 7 in, and who shall have all the powers and be  
 8 subject to all the duties and liabilities which  
 9 Sheriffs and Gaolers by them appointed now  
 10 have and are subject to by law. And the tenure  
 11 of the office of Sheriff, appointed in pursuance  
 12 of the provisions of the second section of this  
 13 Act, and of Gaoler, shall be the same as the  
 14 tenure of the office of Sheriff now is.

SECT. 4. *Be it further enacted,* That every  
2 person appointed to the office of Sheriff, and to  
3 the office of Gaoler, before he shall enter upon  
4 the discharge of the duties of his office, shall  
5 make and execute to the Treasurer of the State,  
6 a bond with three or more such sureties residing  
7 in this State as a majority of the County Com-  
8 missioners of his County shall adjudge good and  
9 sufficient, and in a sum in a Sheriff's bond not  
10 less than ten thousand dollars, and in a Gaoler's  
11 bond in a sum not less than ten thousand dollars,  
12 and in such further sum in each case as a majority  
13 of the County Commissioners of their respective  
14 Counties shall adjudge necessary, conditioned  
15 for the faithful performance of the duties of his  
16 office; and the approval of the sureties in such  
17 bond shall be certified upon the bond, by at least  
18 two of the County Commissioners. It shall be  
19 the duty of the Sheriff, and of the Gaoler,  
20 when his bond shall have been approved as afore-  
21 said, and after the Clerk of the County Com-  
22 missioners shall have made a record thereof and  
23 of the certificate thereon, and shall have certified  
24 thereon, that such record has been made, to  
25 deposite the original bond, within twenty days

26 after it shall have been so approved, in the office  
 27 of the Treasurer of the State; and it shall be  
 28 the duty of the Clerk to make such record and  
 29 certificate thereof, for which service the princi-  
 30 pal in such bond shall pay him one dollar:—  
 31 that every Sheriff resident in any city, or in any  
 32 town containing more than five thousand inhab-  
 33 itants, shall give bond as aforesaid in a sum not  
 34 less than fifteen thousand dollars.

SECT. 5. *Be it further enacted,* That it  
 2 shall be the duty of the County Attorney, in  
 3 each County, at the session of the County  
 4 Commissioners, which shall be held therein, on  
 5 or next after the first day in June annually, to  
 6 move the County Commissioners, and it shall  
 7 be their duty, to consider whether the security  
 8 given by the respective Sheriffs, and by the  
 9 Gaoler, be sufficient, and they shall cause a  
 10 record to be made of their adjudication in each  
 11 case, by the Clerk, and, if the security given by  
 12 any Sheriff or Gaoler shall be adjudged insuffi-  
 13 cient, the Clerk shall within ten days thereafter  
 14 notify him thereof, and it shall be the duty of  
 15 such Sheriff or Gaoler within twenty days after  
 16 such notice, to give a new bond, approved, re-

17 corded and certified as required by the fourth  
18 section of this Act, and if he shall neglect to  
19 give such new bond within the time aforesaid,  
20 the Clerk shall forthwith certify the same to the  
21 Secretary of State; and such neglect shall be  
22 deemed a resignation by such Sheriff or Gaoler  
23 of his office, and all authority to act under his  
24 commission shall cease from and after the expi-  
25 ration of said twenty days, except to complete  
26 any business previously commenced; *provided,*  
27 *however,* that such Gaoler shall perform all the  
28 duties of his office until another Gaoler shall  
29 have been appointed and given bond as aforesaid.  
30 And such new bond shall be deposited in the  
31 office of the Treasurer of the State within  
32 twenty days after it shall have been approved as  
33 aforesaid. And any County Attorney or Clerk,  
34 who shall neglect his duty in this particular, or  
35 any Clerk, who shall neglect to give the notice  
36 required by the sixth section of this Act, shall  
37 forfeit and pay to the use of the State one hun-  
38 dred dollars for each neglect, to be recovered by  
39 an action of debt, in the name of the Treasurer,  
40 whose duty it shall be to prosecute therefor.

SECT. 6. *Be it further enacted, That it*



2 shall be the duty of the Clerk of the County  
 3 Commissioners in each County, to give notice  
 4 to the State Treasurer of all bonds, approved  
 5 and recorded in his office as aforesaid, within  
 6 twenty days after the same shall have been  
 7 recorded ; and if any Sheriff or Gaoler shall  
 8 neglect to deposite his bond in the Treasurer's  
 9 office as aforesaid, he shall forfeit and pay to the  
 10 use of the State one hundred dollars for every  
 11 month's neglect, to be recovered by an action  
 12 of debt, in the name of the Treasurer, whose  
 13 duty it shall be to prosecute for the same.

SECT. 7. *Be it further enacted*, That any  
 2 person, or persons aggrieved by the neglect or  
 3 misdoings of any Sheriff or Gaoler, shall have  
 4 the same remedy upon the bond of such delin-  
 5 quent officer, and in the same manner, that is  
 6 provided for the neglect and misdoings of Sher-  
 7 iffs in the sixth section of an Act, entitled " An  
 8 Act providing that bonds shall be given by  
 9 Sheriffs and Coroners, to the Treasurer of the  
 10 State, and giving remedies thereon," passed  
 11 the twenty-fourth day of June in the year of  
 12 our Lord one thousand eight hundred and  
 13 twenty.

SECT. 8. *Be it further enacted,* That any  
 2 legal process, to be by him served, shall be  
 3 directed to any Sheriff; and any Sheriff, not a  
 4 party, may serve any legal process on any other  
 5 Sheriff or Sheriffs who is or are party or par-  
 6 ties, and for the several duties by them performed  
 7 respectively said officers shall receive the same  
 8 fees that are now by law allowed to Sheriffs  
 9 and Deputies: *provided*, that, for their attend-  
 10 ance upon the Courts, the Sheriffs shall receive  
 11 two dollars per day instead of the sum hereto-  
 12 fore allowed, from the County Treasurer. And  
 13 the several Courts to be holden in any County  
 14 shall designate such Sheriffs and the number it  
 15 may deem necessary to attend upon said Court,  
 16 and said Court shall designate and appoint one  
 17 of said Sheriffs who shall preside in said Court  
 18 under the direction thereof. And said Courts  
 19 shall appoint some suitable person to be Crier  
 20 of their respective Courts, and said Crier shall  
 21 receive for his services two dollars per day out  
 22 of the County Treasury.

SECT. 9. *Be it further enacted,* That any  
 2 Sheriff hereafter appointed, instead of the sum

3 heretofore required, shall pay five dollars to the  
4 Treasurer of his County. And all Acts and  
5 parts of Acts inconsistent with the provisions  
6 of this Act are hereby repealed.

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STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }  
MARCH 18, 1837.

This Bill was read twice, Monday next at ten o'clock  
assigned for third reading, and five hundred copies ordered  
to be printed for the use of the Legislature.

(Extract from the Journal.)

Attest,

CHARLES WATERHOUSE, Clerk.