

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 469

STATE OF MAINE.

RESOLVE providing for a fund for completing the records of
the clerk of courts of Lincoln county.

Resolved, That the sum of one thousand dollars be and
2 hereby is appropriated for the purpose of defraying the
3 expense to be incurred in making up and completing the
4 records of the clerk of courts of Lincoln county from the
5 April term, 1895, up to and including the October term, 1899,
6 the same to be paid by the State treasurer, under the direction
7 of the governor and council, to the commissioner appointed
8 pursuant to R. S., Ch. 79, section 13, and upon receipt of
9 certificates issued by the presiding judge of the supreme judi-
10 cial court of Lincoln county.

STATEMENT OF FACTS.

Upon examination of the records of Frank A. Creamer, after his removal from the office of clerk of courts for Lincoln county, it was found by the commissioner appointed pursuant to R. S., Ch. 79, section 13, that said records were not made up and completed and that the deficiency covered substantially a period beginning with the April term of the supreme judicial court, 1899, and extending up to and including the October term, 1899.

Section 2 of chapter 79, R. S., requires every clerk of courts before entering upon the performance of his official duties, to give a bond to the State, to be filed in the office of its treasurer; and sections 13 and 14, define the use and application of such bond in case of a deficiency in the court records.

The difficulty in the present case arises from the fact that no bond was ever required of or furnished by said Creamer from April, 1895, to the end of his term in 1899, in consequence of which, there are at the present time no funds at the disposal of the court to be applied to complete the deficient records. Under the statute the court has no power to order the county, at its own expense to complete these records, and inasmuch as the State is responsible for the lack of funds by reason of its failure to procure a bond from said Creamer, it is respectfully submitted that the accompanying resolve should be given a passage.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 19, 1903.

Reported by Mr. PAGE of Skowhegan, from Committee on Appropriations and Financial Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*