

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE,

PASSED BY THE LEGISLATURE,

AT ITS SESSION, WHICH COMMENCED ON WEDNESDAY, THE
THIRTY-FIRST DAY OF MAY, AND ENDED ON THE
TWENTY-EIGHTH DAY OF JUNE, A. D. 1820.

TO WHICH IS PREFIXED,

THE

CONSTITUTION OF THE STATE.

Published agreeably to a Resolution of June 23, 1820.

PORTLAND :

PRINTED BY FRANCIS DOUGLAS, PRINTER TO THE STATE.

1820.

CHAPTER XXVII.

AN ACT providing for the appointment of Clerks of the Courts in the several counties, and requiring them to render an account of all monies received.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled,* That there shall be nominated and appointed by the Governor with the advice of the Council during pleasure, one person in each county in this State, who shall be Clerk of all the Judicial Courts, holden in the same county, and shall have the care and custody of all the records, files and proceedings which have heretofore been had and now remain in the respective offices of either of the Clerks of the Supreme Judicial Court or Circuit Court of Common Pleas; and who shall be Clerk of all the Judicial Courts holden in the same county, under the authority of this State, and who shall do and perform all the duties, services, acts, matters and things, which he as Clerk of either of said Courts ought by law to do and perform.

Clerk to be appointed by Governor and Council.

To be clerk of all the courts.

To keep an account of fees.

Emoluments.

SECT. 2. *Be it further enacted,* That the several Clerks to be appointed by virtue of this act, shall keep a true and exact account of all the monies they shall receive, by virtue of their office, and shall on the first Wednesday of January annually render to the Treasurers of their respective counties under oath, a true account of the whole sum thus by them received, and after deducting one thousand dollars, (if they shall have received so much,) which shall be held and retained for their own use, they shall pay over the one half of all the residue to their respective county Treasurers for the use of the county.

Clerks to give bonds.

Condition.

SECT. 3. *Be it further enacted,* That every such Clerk before he shall enter upon the duties of his office, shall be sworn or affirmed to do and perform all the duties appertaining to his office; and such Clerk shall also give bond to the State to the acceptance of the Governor and Council in a penal sum not less than eight thousand dollars, with two or more sureties, conditioned that he will well and faithfully do and perform all the duties, and pay over all the monies he is required by this act to do and perform, and for the safe keeping and immediate delivery of all the records, files, papers, and muniments in said office to his successor on his leaving said office, which bond shall be lodged in the office of the Treasurer of this State.

To account to the county treasurer in 30 days.

SECT. 4. *Be it further enacted,* That each of the Clerks aforesaid shall be required to pay over to the Treasurer of the county, for which he may be appointed, all monies received by him, which has heretofore been ordered to be paid into the county Treasury for the use of the county or State within

thirty days from the adjournment of the Courts, at which he may have received the same.

SECT. 5. *Be it further enacted*, That the Clerks now in office, shall continue to do and perform all the duties of their respective offices until the first day of August next, and until others are appointed and qualified according to the provisions of this act. And in case of a vacancy in said office, or the absence of any Clerk, the Judges of the several Courts, are hereby authorized and empowered to appoint a Clerk who is hereby authorized to do and perform all the duties of Clerk, during such vacancy or absence; and it shall be the duty of the several Clerks now in office to deliver over to their successors all the records, files and papers in their respective offices immediately upon the appointment of such successor.

Clerks now in office to continue.

Court to appoint a clerk in certain cases.

SECT. 6. *Be it further enacted*, That this act shall take effect, and have force from and after the first day of August next, and all acts and parts of acts inconsistent with the provisions contained in this act are hereby repealed.

June 27, 1820—Approved,

WILLIAM KING.

CHAPTER XXVIII.

AN ACT for the settlement of certain equitable claims arising in Real Actions.

SECT. 1. *BE it enacted by the Senate and House of Representatives in Legislature assembled*, That when any action has been or may hereafter be commenced against any person for the recovery of any lands or tenements, holden by such person by virtue of a possession and improvement, and which the tenant or person, under whom he claims, has had in actual possession for the term of six years, or more, before the commencement of such action, the Jury, which try the same, if they find a verdict for the demandant, shall, (if the tenant so request) also inquire, and by their verdict ascertain the increased value of the premises, by virtue of the buildings and improvements made by such tenant, or those under whom he may claim; and (if the demandant require it) what would have been the value of the demanded premises, had no buildings or improvements been made by such tenant, or those under whom he may claim; and if during the term in which such verdict shall have been given, the demandant shall make his election on record, in open Court, to abandon the demanded premises to the tenant, at the price estimated by the Jury as aforesaid, then no judgment for possession shall be rendered on the

Jury in certain cases to ascertain the value of improvements and of the land without them.

Demandant may abandon; judgment and execution in such case.