

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

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1821.

and defend any suit or matter, wherein his principal shall be concerned, to final judgment and execution; and to plead, implead, or manage the same case as fully as if such person, so authorized, was an Attorney of such Court, and admitted and sworn in usual form as prescribed by law, and agreeably to the rules of such Court.

No person shall be counsel in a cause in which he has acted as Judge, &c.

SEC. 4. *Be it further enacted*, That no person shall engage or be employed as Counsel or Attorney, before any Court within this State, in any action which he shall have determined as Judge or Justice of the Peace; and if any person as aforesaid, shall appear as Counsel or Attorney in any action or suit, he shall not be permitted to prosecute, defend, answer to, or manage, such action or suit. And no Justice of the Peace within this State, shall hear or determine any civil action which shall have been commenced by himself or by his order or direction, and every civil action commenced as aforesaid shall abate.

No Justice shall sit in a cause commenced by him, &c.

No Sheriff or deputy shall act as attorney in a cause or draw writs, pleas, &c.

SEC. 5. *And be it further enacted*, That no Sheriff or deputy Sheriff shall be suffered to appear in any Court, or before any Justice of the Peace, as Attorney to, or in behalf of, or assisting, or advising to any party in a suit; nor shall any Sheriff or his deputy be allowed to draw, make or fill up any plaint, declaration, writ or process, or to draw or make any plea for any other person; but all such acts done by either of them shall be void.

[Approved February 10, 1821.]

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CHAPTER XC.

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.

Clerk to be appointed by Governor and Council.

SEC. 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.

To be Clerk of all the Courts.

SEC. 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.

To keep an account of fees.

Emoluments.

SEC. 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.

Clerks to give bonds.

Condition.

SEC. 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.

To account to the county treasurer in 30 days.

SEC. 5. *Be it further enacted,* That the Clerks now in office, shall continue to do and perform all the duties of their

Clerks now in

office to continue. Court to appoint a Clerk in certain cases. 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.

SEC. 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.

[Approved June 27, 1820.]

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CHAPTER XCI.

An Act providing that Bonds shall be given by Sheriffs and Coroners to the Treasurer of this State, and giving remedies thereon.

Sheriffs to give bond.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in Legislature assembled*, That every person appointed to the office of Sheriff within this State, shall, within sixty days from the receipt by him of his commission; and every Sheriff now in office unless another shall sooner be appointed in his place, shall within sixty days next after the passing of this Act, make and execute a bond, with at least three sufficient sureties residing within this State, in a sum not less than twenty-five thousand dollars for such person who now is or shall be appointed Sheriff in either of the counties of York, Cumberland, Lincoln and Kennebec; and in a sum not less than fifteen thousand dollars, for such person who now is or shall be appointed Sheriff of either of the other counties in this State, to the Treasurer thereof, and his successors in said office conditioned for the faithful performance of the duties of their respective offices, and to answer for the neglects and misdoings of their respective deputies, which bond shall by the said Sheriffs, within the

Condition.