

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.

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VOL. I.

.....

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

BRUNSWICK.

Printed by J. Griffin, for the State.

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1821.

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day of August next, and all Acts and parts of Acts inconsistent with the provisions contained in this Act are hereby repealed.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.

time aforesaid, be filed in the office of the Clerk of the Court of Sessions; for the county in which said Sheriffs are respectively commissioned; and said bond shall be presented at the term of said Court of Sessions, which shall then next be holden in such county; to be by said Court approved, and when the same shall have been adjudged sufficient, the Clerk shall make record thereof, and certify the same on said bond, and a copy thereof being taken by said Clerk, he shall deliver the original to the Sheriff, who shall file the same in the office of the Treasurer of the State, within twenty days, after the same shall have been so approved.

To be approved by Sessions.

SEC. 2. *Be it further enacted,* That it shall be the duty of the county Attorney in each county respectively at the term of the Court of Sessions which shall be held therein on or next after the third Tuesday of June annually, to move the said Court to consider of the sufficiency of the security given by the Sheriffs in their respective counties, and they shall cause a record to be made of such determination by the Clerk, who shall certify the same to the Treasurer within thirty days thereafter; and if such security shall be adjudged insufficient, said Clerk shall also within ten days certify the same to the Sheriff of such county, who shall within twenty days after such notice, give a new bond with sufficient sureties, to be filed and approved as aforesaid, and if any county Attorney or Clerk shall neglect his duty in this particular, such Attorney or Clerk, shall forfeit and pay to the use of this State one hundred dollars, for each neglect, to be recovered by action of debt in the name of the Treasurer, whose duty it shall be to prosecute therefor.

Duty of county attorney.

Sufficiency of the bond to be certified annually.

SEC. 3. *Be it further enacted,* That if any Sheriff shall neglect to give the security required in the first section of this Act, and file the same in the office of the Treasurer of the State, or shall neglect to give the new security which may be required by the Justices of the Court of Sessions in his county, as herein before required and file the same in the Treasurer's office as aforesaid, he shall forfeit and pay to the use of this State, the sum of one hundred and fifty dollars for each month's neglect, to be recovered by action of debt in any Court proper to try the same; and it shall be the duty of the Attorney General to prosecute for the same,

Penalty for neglecting to give bond.

and the name of such Sheriff neglecting to give or renew his security as aforesaid, shall be certified by the Court of Sessions, holden in his county to the Governor and Council, and also to the Attorney General; and the Governor with the advice of Council, shall thereupon remove such Sheriff from his office, and appoint some other person in his stead, unless reasonable cause to the satisfaction of the Governor and Council, shall be assigned for said neglect. And unless said Sheriff, whose name and neglect shall be certified as aforesaid, shall give or renew his security as the case may be, to the satisfaction of the Governor and Council within twenty days after the said certificate shall be made as aforesaid.

To be removed.

Treasurers to state the amount of warrants,

and certify the names of sureties.

Coroners to give bonds.

Condition.

SEC. 4. *Be it further enacted,* That it shall be the duty of the Treasurer of the State, on the first Wednesday of January annually to make out a statement of the amount of all warrants in favour of the State, any other sums of money or balances that may be in the hands of, and due from the several Sheriffs in said State, and lay the same before the Governor and Council for their inspection, and shall also certify the names of the sureties, on their respective bonds, that in case they or any of them shall have become insufficient, or have moved out of the State, others may be required, and whenever for either of the reasons, it shall be deemed necessary by the Governor and Council, a new bond shall be given by any Sheriff thereto required, within sixty days after notice given him for that purpose, to be filed as aforesaid; and on neglect thereof, the office of such Sheriff shall become vacant, and the Governor with advice of Council, shall appoint some other person thereto.

SEC. 5. *Be it further enacted,* That all Coroners, who shall be appointed in any county in this State, before proceeding to discharge the duties of their office, shall give unto the Treasurer of the State a bond with sufficient sureties, to the satisfaction of the Court of Sessions, in their respective counties, for the faithful performance of the duties of their said office, and the acts and doings of all Coroners now in office who shall not within sixty days, from and after the passing of this Act, make out and execute to the Treasurer of said State a bond with sufficient sureties, and the same

file in the Clerk's office of the county in which such Coroner resides, to be approved as aforesaid, all their Acts and doings after the said sixty days, shall be null and void, and they shall be deemed to have forfeited their respective offices, and all authority to act under their commissions shall cease from and after that time.

Or their acts to be void.

SEC. 6. *Be it further enacted,* That any person aggrieved at the neglect or misdoings of any Sheriff or his deputy, or of any Coroner, and having first ascertained the amount of his damages by judgment against said Sheriff or Coroner, shall be entitled to a certified copy of such Sheriff's or Coroner's bond, and shall have a right to commence and prosecute to final judgment and execution for his own benefit, any action thereon in the name of the Treasurer, said writ being first endorsed by the party for whose benefit such action is brought, or his agent or attorney, which endorser shall be alone answerable for all costs; and judgment, when for the defendants, shall be rendered accordingly against the party, for whose benefit such action is brought: *Provided,* That all such actions on Sheriffs' and Coroners' bonds, shall be brought always in the county where such Sheriff or Coroner shall have been commissioned respectively to act.

Persons aggrieved entitled to a copy of bond,

and to sue.

Provido.

SEC. 7. *Be it further enacted,* That when judgment is rendered on any bond as aforesaid, execution shall be awarded for the sum found due to the party, for whose benefit said action was brought; and being part of the penalty forfeited. And any execution which shall issue on said judgment, shall express therein the name of the party for the use and benefit of whom the same was awarded, who may cause said execution to be levied on any personal or real estate of the debtor, which levy shall inure to such party for his sole use and benefit, to every intent and purpose whatever.

Execution how awarded.

[Approved June 24, 1820.]