

# 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.

## CHAPTER XCIX.

An Act directing the time and manner of appointing County Treasurers, and for other purposes.

County Treasurer to be chosen annually on 2d Monday of September.

Mode of choosing.

Copy of record of votes to be sent under seal to next Court of Sessions.

Person chosen to be sworn and give bond,

and to continue in office till another is chosen and qualified.

In case of no choice what proceedings are to be had.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in Legislature assembled, That there shall be annually chosen in each county within this State, on the second Monday of September, by the written votes of such persons as are by the Constitution qualified to vote for Representatives in the several towns and plantations, a discreet suitable person, being a freeholder and resident in the same county, for a county Treasurer; the votes to be counted and sorted in the town or plantation meeting by the Selectmen or Assessors thereof, and town or plantation Clerk; the names of the persons voted for, and the number each person had, shall be recorded by the Clerk in the town or plantation book, and an attested copy of such record shall be transmitted under seal to the next Court of Sessions to be held within and for the same county, on the first day of the Court's sitting; there to be opened and compared with the like returns from the several towns and plantations in such county: and the person having the majority of the said votes, and accepting of the said office, after being sworn to the faithful discharge of the trust before the said Court, or any two Justices, quorum unus, and giving bond for the faithful discharge of the trust, with sufficient sureties, in such penal sum as the Court shall direct, to the Clerk of said Court for the same county, for the time being, and his successor in that office, shall continue in the said office for the term of one year, and until some other person shall be chosen and qualified as aforesaid in his room. And in case upon comparing the votes returned as aforesaid, no one person shall have a majority of the whole number of votes returned, or the person chosen shall decline accepting the office, or after accepting, shall die or resign, or remove out of the county within the year; then, and in such case, it shall be lawful for the Justices of the same Court to appoint, by ballot, a suitable person, being a freeholder in the same county, to that office; and the person thus appointed by the

Court of Sessions, and accepting the office, and being sworn to the faithful discharge of the trust, and giving bond as before directed, shall be Treasurer of said county for the remainder of the year, and until some other person shall be chosen and qualified in manner as aforesaid.

SEC. 2. *Be it further enacted,* That all monies received by the county Treasurer, for the use of the county, shall be improved and employed by him for the defraying county charges, as the Court of Sessions, Circuit Court of Common Pleas, and the Supreme Judicial Court, shall, pursuant to law, from time to time, by their order in writing, direct and appoint; and each county Treasurer shall account with the Court of Sessions for the same county of which he is Treasurer, for all his receipts and payments; which Court shall make him such allowance for his executing the duties of his office as to them shall seem reasonable.

County Treasurer's duty as to paying county charges.

SEC. 3. *Be it further enacted,* That each county Treasurer, respectively, be, and hereby is authorized and empowered to draw in and enforce the payment of all county rates and taxes, assessed agreeably to the directions of law, by the same rules and methods prescribed for the Treasurer of the State to gather in the rates and taxes assessed for the use of the State, and shall annually lay before the Legislature an account of all monies that shall have been raised in the county to which he belongs by assessments on the several towns and places therein, or by any other way or manner by him received as county Treasurer, and how the same have been disposed of; and no further assessments shall be made on the several towns and places in the county to which he belongs until the said account has been offered to the Legislature and allowed by them.

To enforce payment of county taxes, in same manner as State Treasurer.

To lay an account annually before the Legislature, of monies raised, &c. and how disposed of.

SEC. 4. *Be it further enacted,* That from and after the passing of this Act, no person shall be eligible as county Treasurer, who holds the office of Attorney General, or who is empowered to act as Attorney for the State within the county, nor any person holding the office of Justice of the Circuit Court of Common Pleas, Clerk of the said Court, or Sheriff.

Persons not eligible to the office of county Treasurer.

SEC. 5. *Be it further enacted,* That in all civil actions, in which the State shall be a party, whether by scire fa-

Costs paid to clerks to be paid to county

Treasurer, who shall settle with State Treasurer, as in case of fines, penalties, &c.

cias, or other suit or process, the costs which may be taxed in favour of the State, and which may be paid before any execution shall issue, shall be paid to the Clerk of the Court in which said suit shall be pending, and by him immediately paid over, without any deduction, to the Treasurer of the county, who shall account for and settle the same with the State Treasurer, in the same manner as is provided by law for the settlement and adjustment of accounts by county treasurers of fines, penalties, and forfeitures and costs in criminal prosecutions.

[Approved March 15, 1821.]

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### CHAPTER C.

An Act respecting the Offices and Duties of the Attorney General and County Attornies.

County attornies to be appointed and sworn in same manner as Attorney General. Duty of county attornies.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That the Attornies for the State, in the several counties, shall be appointed, commissioned and sworn in the same manner as the Attorney General is; and it shall be the duty of the said county Attornies, within their proper counties, to appear and act in behalf of the State, and of their said counties respectively, in all cases in which the State or county may be a party, in the Circuit Courts of Common Pleas and the Supreme Judicial Court; in the absence of the Attorney General; and in such other prosecutions, in behalf of this State, as may be pointed out to them, by instructions from the Attorney General: *Provided,* That nothing herein contained shall be construed to excuse the Attorney General from attending to his official duties, as heretofore, in the Supreme Judicial Court.

Attorney General and county Attorney to receive no fees from any prosecutor, or to be counsel for either party in a civil action, depending on the same facts.

SEC. 2. *Be it further enacted,* That no Attorney General or county Attorney, shall receive any fee or reward, from or in behalf of any prosecutor, for services in any prosecution to which it shall be his official duty to attend; or during the pendency of such prosecution, be concerned as counsel or attorney, for either party, in any civil action depending on the same facts.

[Approved March 15, 1821.]