

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

NINTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1829.

Published agreeably to the Resolve of the 20th June, 1820.

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1829.

CHAPTER CCCCXLV.

An Additional ACT respecting Sheriffs.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,*

Fees of sheriffs,
deputy sheriffs, coroners and constables.

That the fees of Sheriffs and their Deputies, of Coroners and Constables, for the services herein after specified, shall be as follows, viz:—

For the service of an original summons or scire facias, either by reading the same or by copy, on one defendant, twenty five cents; if on more than one defendant, then for each other defendant, so served, twenty five cents. For the service of a *capias* or attachment on one defendant with summons twenty five cents; if on more than one defendant, then twenty-five cents, for each defendant so served. And if the officer, by the written direction of the plaintiff or plaintiffs, his or their agent, or attorney, shall make a special service of any writ of attachment, by attaching property, he shall receive therefor the sum of fifty cents, including the summons thereon; and for taking the body on a *capias*, he shall be allowed the sum of fifty cents for each defendant on whom such writ shall be so served. For a bail bond and writing the same, including principal and sureties, to be paid by the person admitted to bail and taxed for him, if he should prevail, twenty cents. For the service of a warrant, fifty cents. For travel across any toll bridge or ferry actually passed in making the service or return of a writ, execution or warrant, the sum by law payable at such bridge or ferry for a man and horse, if actually paid on the service or return of such writ, execution or warrant. And for travel by water to and from any Island, or crossing any river in making service of any writ or warrant where there is no ferry established, such sum as may be allowed by the Court to which such writ or warrant may be returnable. For levying and collecting executions in personal actions, for every dollar of the first

hundred dollars, three cents; for every dollar above one hundred, and not exceeding two hundred dollars, two cents; and for every dollar above two hundred dollars, one cent. For collecting costs on a writ of possession, the same as on executions in personal actions. And the fees aforesaid, shall be instead of the fees heretofore allowed for the same services.

SECT. 2. *Be it further enacted,* That no Sheriff shall demand or receive from any of his Deputies, any part of the amount of fees for levying and collecting executions, issued by any Justice of the Peace, and wherein the debt or damage does not exceed twenty dollars. Nor shall he demand or receive of any Deputy, more than at the rate of twelve per cent. on the amount of fees for travel and service, and other emoluments of office, accruing after the first day of April next.

Sheriff may demand of his deputies 12 per cent. on the amount of fees for travel, services, &c. except on executions issued by justices of the peace where debt, &c. does not exceed \$20.

SECT. 3. *Be it further enacted,* That each Deputy of the respective Sheriffs, shall at all times keep a true and exact account, with the items thereof, of all fees for travel and service, and other emoluments of office, which have accrued or shall be due him by virtue of the same. And it shall be the duty of each Deputy aforesaid, within twenty days next after the first day of December annually, to return under oath to the Sheriff, a true copy of said account up to the time of said return, with the items thereof. *Provided however,* That this duty shall not extend to any part of such account, which shall have been so returned previous to the time aforesaid.

Deputy sheriff to keep an account of all fees, and make return to sheriff in Dec. annually.

SECT. 4. *Be it further enacted,* That it shall be the duty of the Sheriffs of the several counties of this State, within ten days next after the twentieth day of December annually, to make up from the accounts returned as aforesaid, by all their said Deputies, a true and exact account of the amount of fees for travel, for services, and for other emoluments of their office, specifying the

Sheriffs to make a return of the amt. of all fees, &c. to treasurers of their respective counties in Dec. annually and pay over fees, &c. except certain sums

different classes of items thereof, which have accrued or shall be due them from their Deputies; and also of the amount of said fees and other emoluments specified as aforesaid, which have accrued or shall be due them, in their said office, besides the amount accruing from their Deputies, within one year next before the time of their so making up the same, and including the whole of the accounts of their Deputies, after the said account of the Sheriff was so made up in the year preceding; and said Sheriffs shall within said ten days, make a true return under oath of their said account to the Treasurers of their respective counties. And the Sheriff of each county, after deducting from the sum total of his account aforesaid, the sum hereinafter limited for the Sheriff of each county respectively, and also after deducting from said sum total the amount of said account which has accrued and become due to him, otherwise than from his Deputies, shall pay over the residue of said sum total to the Treasurer of his county, for the use and benefit of such county.

Limitation of the compensation of sheriffs.

SECT. 5. *Be it further enacted,* That the Sheriffs of the several counties of York, Cumberland, Lincoln and Kennebec, shall be limited to the sum of seven hundred dollars each; the Sheriff of Penobscot to six hundred dollars; the Sheriffs of Oxford and Somerset to five hundred dollars each; and the Sheriffs of Hancock, Washington and Waldo to four hundred dollars each.

County Treasurers to make return to the Sec. of State in the month of Jan. annually.

SECT. 6. *Be it further enacted,* That it shall be the duty of each County Treasurer, at the expense of his county to make out and return to the Secretary of State, within ten days next after the first day of January annually, a true and attested copy of the account rendered and returned to him by the Sheriff of such county, and shewing the amount thereof retained by such Sheriff, and the amount paid over to the said Treasurer.

SECT. 7. *Be it further enacted,* That the appointment of any Deputy Sheriff, or Goaler shall

be in writing under the hand of the Sheriffs appointing them, and recorded in the office of the Clerk of the Judicial Courts of the county for which such Deputy is appointed; and when a Sheriff dismisses any Deputy Sheriff or Goaler from office, he shall deliver his written discharge to such Deputy Sheriff or goaler, and shall lodge a copy thereof in said Clerk's office to be recorded; and for recording such appointment or discharge, the Sheriff shall pay said Clerk twenty-five cents. And no appointment or discharge of any Deputy Sheriff or Goaler shall be valid, until such appointment or discharge is so lodged or recorded, except discharges by operation of law, or by vacancy in the office of Sheriff.

Appointments of deputy sheriffs and goalers to be in writing and recorded, as also their discharges.

SECT. 8. *Be it further enacted*, That this Act shall take effect and be in force after the first day of April next, and all Acts and parts of Acts inconsistent with this, be, and hereby are repealed.

This Act to be in force after April 1, 1829.

[Approved by the Governor, March 5, 1829.]



CCCCXLVI.

AN ACT to prevent Foreigners from exercising acts of Jurisdiction within this State, by serving civil or criminal process.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person not a citizen of the United States, or any person under the authority or color or pretence of authority from any foreign Prince, State or Government, shall enter upon any lands, cut any timber, or serve any civil or criminal process, or exercise any act of jurisdiction, authority or ownership, or shall pretend or attempt, or claim right or threaten to do or perform any of the acts aforesaid, within the limits of this State, as described by the treaty of seventeen hundred and

Persons not citizens of the U. S. exercising acts of ownership under authority of a foreign state, or serving any civil or criminal process within the limits of this state, together with all who may aid or abet them, deemed guilty of a high misdemeanor and liable to be tried and punished at the discretion of the court.