

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

TENTH LEGISLATURE,

AT ITS

SESSION HELD IN JANUARY, 1830.

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Published agreeably to the Resolve of the 28th June, 1820.
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CHAPTER CCCCLXIV.

AN ACT additional to an Act providing for the payment of costs in criminal prosecutions.

Clerks of the courts to receive all fines forfeitures, &c.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That it shall be the duty of the clerks of the Judicial Courts in this State, to receive all fines, amercements, issues, forfeitures, and bills of costs arising or imposed to the use of the State by the Supreme Judicial Court or Court of Common Pleas, and which shall be paid or tendered to the clerks of said courts by the persons, or bodies corporate against whom the same are awarded, their agents or attornies at any time before the issuing of a warrant of distress or other process to enforce the final order, sentence or judgment of the court awarding the same.—And said clerks be, and hereby are authorized, and when demanded, required to give receipts and discharges in behalf of the State for all sums of money paid to them for the causes aforesaid; and they shall enter such discharges of record; and within twenty days after the receiving of such moneys, shall pay over the same to the County Treasurer of their respective counties. And when any warrant of distress, or other process authorized by either of said courts shall be necessary to enforce the execution of any order, sentence or judgment for, or in behalf of the State, and for any of the causes aforesaid, the clerk of the court shall issue and deliver the same to the sheriff, or to such coroner or constable, as the Attorney General, or County Attorney shall direct, and shall enter of record the name of the officer and the time when the same was delivered to such officer.

And pay the same to the county treasurer within 20 days and to deliver warrants of distress, &c. to such officer as the Attorney General, or county attorney may direct.

Duty of county attornies in relation to collection and payment of fines, &c.

SECT. 2. *Be it further enacted,* That it shall be the duty of the County Attornies for the State, in their respective counties, from time to time to examine the records of the courts aforesaid, and to take all such measures as may be requisite to en-

force and obtain payment to the County Treasurer of all such fines, amercements, issues, forfeitures and bills of costs, as have accrued or shall accrue to the use of the State.—And said attornies are hereby required to take due care to enforce upon sheriffs, coroners and constables, all the duties and obligations imposed upon them by the provisions of the third section of the Act to which this is additional, and shall from time to time move the Court, that the sheriff and such other officers as aforesaid as shall appear by the records of court, not to be discharged of any fine, forfeiture or bill of cost, which, it shall have become his duty to collect, or receive of the person or body corporate liable therefor, be summoned and brought before such court to shew their discharge for any such fine, forfeiture or bill of cost, or to assign the cause why he or they have not received or have not paid the same; and for the purpose that the court may order a suit or prosecution against such officers, as shall appear to be delinquent, or against such other persons or party as may be liable to pay the same.

SECT. 3. *Be it further enacted,* That the clerks of the Judicial Courts in the several counties of this State, be, and they hereby are required, within twenty days after the adjournment of any court, at which any fine, forfeiture, or bill of cost may accrue to the State, to make out and transmit to the Secretary of State, to be by him laid before the Governor and Council, a certificate of all fines, forfeitures and bills of costs, that shall have accrued to the State, designating the court and the term thereof when the same accrued, the names of the persons or corporations against whom the same were awarded, and the names of the officers who are accountable for the payment thereof to the State. And the Secretary of State shall cause all the fines, forfeitures and bills of costs, contained in such certificates, with the names of the persons and officers liable and accountable for

Clerks to transmit to Sec. of State certificate of fines, &c.

Sec. of State to enter fines, &c. in a book with names of persons accountable, which book the Gov and Council will cause to be examined and schedules of fines, &c. unpaid to be transmitted to county attornies.

the payment of the same to be entered in a book to be by him kept for that purpose ; and said Secretary shall from time to time, as the Governor and Council may direct, cause the books of the Treasurer of State and the accounts of the several County Treasurers, which may be deposited in the office of the Treasurer of State, to be examined, and shall, by comparing the same, ascertain all such fines, forfeitures and bills of costs, as shall not appear, by such books and accounts, to have been paid over to the use of the State, and shall make out separate schedules for each county, of such fines, forfeitures and bills of costs, as appear not to be paid over to the use of the State ; and after making suitable entries and records of such schedules to be kept in his office, the Secretary of State shall transmit the same to the County Attornies of the several counties in which such fines, forfeitures and bills of costs accrued, certifying that the same appear, as aforesaid, not to be paid over to the use of the State.

SECT. 4. *Be it further enacted,* That it shall be the duty of the several county attornies, and they shall have power to examine the records and files in the offices of the clerks of the Judicial Courts in their respective counties, and the certificates and accounts in the office of the several county treasurers, relating to fines, forfeitures and bills of costs which have accrued or may accrue to the use of the State ; and after ascertaining in the best manner they can, the causes of the defaults in the collection or payment of the several items contained in the schedules transmitted by the Secretary of State as aforesaid, the said attornies shall without delay present the items of said schedules, with the causes of their not being collected and paid over to the use of the State, to the respective courts in which they accrued, and shall move the court for all such orders and processes, as shall be deemed necessary to enforce the collection and payment of such fines, forfeit-

Powers and duties
of County Attornies
in relation to de-
faults and failures
in payment of fines,
&c.

ures and bills of costs to the use of the State. And said attornies shall from time to time, and as often as requested by the Secretary of State, under the direction of the Governor and Council, make out and transmit to the Secretary of State, a statement shewing the result of his enquiries and investigations, relating to the several items contained in the schedules, which shall be transmitted to the said attornies by the Secretary of State as aforesaid. It shall also be the duty of the several county attornies to give information to the courts of all defaults and failures to pay into the county treasurers such fines and forfeitures as shall accrue to the use of any county, and to take such measures for the collection as the courts shall direct. And the Court of Common Pleas shall from time to time make such reasonable allowance to said attornies for their expenses and services in performing the duties aforesaid required by this act, as said court shall determine to be a just compensation, to be paid from the county treasury of each county, in the same manner as costs allowed in criminal prosecutions.

Their compensation.

SECT. 5. *Be it further enacted,* That it shall be the duty of the sheriff in each county, once in three months, at least, to deliver over to the county treasurer all notes and other securities by him taken for fines and costs on the liberation of poor convicts from prison pursuant to law; and the county treasurer shall annually at least, and within three months before the first Wednesday in January of each year, lay a schedule thereof, with the amounts due on each demand, before the Court of Sessions to be filed with the clerk of said courts. And the Courts of Sessions shall from time to time examine such notes and securities, and shall order the county attorney to take such measures for the collection, and to enforce the payment thereof, as said court shall judge expedient. And said Courts of Sessions may authorize the county treasurer to compound with any of the debtors lia-

Sheriff to deliver over to county treasurer all notes, &c. once in three months.

Treasurer to report the same to court of sessions annually, which court is authorized to enforce collection, or compound for pay in part.

Compensation to
county treasurer,
and attorney.

ble for the payment of any such notes and securities on such terms as the court shall direct, and on the performance of the terms and conditions prescribed by the court, to discharge and cancel the same. The Court of Sessions may allow the county attorney and treasurer any expenses incurred, and for their services which may be rendered under the provisions of this section, to be paid out of the county treasury.

[Approved by the Governor, March 15, 1830.]



CHAPTER CCCCLXV.

AN ACT to repeal part of “an Act making further provision concerning records of Justices of the Peace.”

2nd Sec of chapter
448 repealed.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That the 2d section of “an Act making further provision concerning records of Justices of the Peace,” passed the fifth day of March, in the year of our Lord, one thousand eight hundred and twenty nine, be, and hereby is repealed.

[Approved by the Governor, March 15, 1830.]



CHAPTER CCCCLXVI.

AN ACT additional to an Act to secure to owners their property in Logs, Masts, Spars and other timber in certain cases.

Penalty for taking
logs, &c. wherever
found without con-
sent of owners and
how recovered.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That from and after the passing of this Act, if any person or persons shall take, carry away, or otherwise convert to his or their own use, without the consent of the owner, any log suitable to be sawed or