

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

4628

PASSED BY THE

TWENTY-SECOND LEGISLATURE

OF THE

S T A T E O F M A I N E ,

A . D . 1 8 4 2 .

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and
March 16, 1842.

AUGUSTA:

Wm. R. SMITH & Co., PRINTERS TO THE STATE.

1842.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1842.

AN ACT relating to suits on sheriffs' and coroners' bonds.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Of suits, instituted on bonds of sheriff or coroner

R. S. ch. 104, § 13, 14.

Summons, &c.

Service of summons, &c.

Right of persons filing declaration.

Defendant held to answer to same, &c.

Damages to be assessed on rendition of judgment.

Executions, when to issue.

SECT. 1. When an action shall have been instituted upon the official bond of any sheriff or coroner, under the provisions of the thirteenth and fourteenth sections of chapter, one hundred and four, of the revised statutes, any other person, who may have a right of action on such bond, may file an additional declaration in the same action in the office of the clerk of the judicial courts in the county, where such action may be pending; and the clerk shall issue a summons, directed to the defendant in said action; which summons shall specify the cause of action and the amount demanded, and shall be returnable to the court, in which such action is pending; and shall be indorsed by the name and place of residence of the person, for whose benefit the declaration is filed, or of his attorney; which indorser shall be liable for costs, in the same manner as indorsers of writs.

SECT. 2. The goods, chattels, and estate of the defendant may be attached on such summons, as on mesne process, and such summons shall be served on the defendant in the manner provided by law for the service of an original summons; and thereupon the person so filing his declaration shall have all the rights of a plaintiff in the suit; and the defendant shall be held to answer to the said declaration, and judgment may be rendered thereon, as if the same were filed in an action originally instituted for the same cause.

SECT. 3. When judgment is rendered against the defendant in any action on such bond, damages shall be assessed on each declaration for the amount which any party filing such declaration would have been entitled to recover, if he had originally instituted the suit on the bond, with costs; and several executions shall issue therefor, in the name of each party, so recovering, in the order in which the declarations were filed, but not beyond the amount of the bond. And if judgment be for the defendant on any such declaration, it shall be rendered, and execution shall issue, against the party filing such declaration, and for costs. And no such action shall be dismissed, discontinued or nonsuited, except by order of court, without the consent of all the parties interested as plaintiffs.

[Approved March 14, 1842.]