

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

ERRATA.

PAGE 65, section 27, line 18, after "not," read "to."

92,	46,	1, for "She," read "The."
119,	5,	3, after "fife," for "a," read "or."
138,	62,	6, for "offier," read "officer."
405,	13,	1, for "28," read "13."
414,	3,	3, for "couaty," read "county."
440,	31,	4, in a few copies, for "on," read "or."
453,	28,	2, _____ for "necessay," read "necessary."
500,	23,	2, of the margin, for "dease," read "cease."
619,	24,	2, for "administrator of any contractors," read "administrators of any contractor."

INDEX.

837, 2d column,	1, dele "MILITIA," so as to read OFFICERS of the state prison.
842, 2d	46, for "527," read "537."
851, 1st	62, for "610," read "616."
857, 2d	14, for "163," read "162."
867, 2d	49, for "568," read "508."
875, 1st	14, for "wrunq," read "rung."
880, 1st	54, for "775," read "475."

CHAP. 100.

To transmit a certificate of fines, &c. to the secretary of state.
1830, 464, § 3.

Judges to examine into the state of the records. Bond to be put in suit for default.
1821, 108, § 3.

Money recovered, to be appropriated to making up the records. Further liability of the clerk, in case, &c.
1821, 108, § 3.

Penalty for exacting illegal fees.

SECT. 13. Every clerk shall, within twenty days after the adjournment of any court, at which any fine, forfeiture or bill of costs has accrued to the state, transmit to the secretary of the state, to be laid before the governor and council, a certificate of all fines, forfeitures and bills of costs, naming the court and term thereof, when the same accrued, the names of those against whom they were awarded, and the names of the officers accountable for them to the state.

SECT. 14. The justices of the judicial courts shall inspect the records of the clerks of their respective courts, and if they are found deficient, shall, in writing, certify the fact to the treasurer of the state, that the official bond of such clerk may be put in suit by him.

SECT. 15. The money, recovered in such suit shall be applied to complete the deficient records, under the direction of the judge or judges of the court, where such deficiency shall occur; and if the amount, so recovered, shall be more than sufficient for the purpose aforesaid, the balance shall enure to the use of the state; but, if the amount, so recovered, shall be insufficient to make up such records, the balance may be recovered by the treasurer of the state, in a special action on the case.

SECT. 16. Any clerk of the courts, who shall exact or receive more fees, than are allowed by law, shall forfeit fifty dollars for each offence; to be recovered in an action of debt, by any person prosecuting therefor, to his own use, or by indictment, one half to the use of the state, and the other half to the complainant.

CHAPTER 101.

OF THE ATTORNEY GENERAL AND HIS DUTIES.

- SECT. 1. Appointment and oath of office.
2. His duty to attend the sessions of the supreme judicial court.
3. Instructions to the county attorneys, in his absence.

- SECT. 4. To receive no fee for official services; nor to act as counsel or attorney, in cases incompatible.
5. When to require attendance of witnesses.
6. Annual report to the governor and council.

Appointment, and oath of office.

His duty to attend the sessions of the supreme judicial court.
1821, 100, § 1.

Instructions to the county attorneys, in his absence.
1821, 100, § 1.

SECTION 1. The attorney general shall be appointed by the governor and council, and take and subscribe the oaths, required by the constitution.

SECT. 2. It shall be his duty to attend the sessions of the supreme judicial court, except in those cases, where the terms of said court now are, or may be so established, and so far interfere with each other, as to prevent a compliance with the above requirement, for the discharge of the duties of his office.

SECT. 3. When he is necessarily absent from any session of said court, he shall give all needful instructions to the state's attorney for the county, in which such court shall be then sitting, as well as all proper instructions to said attorneys, at other times.

SECT. 4. He shall not receive any fee or reward from, or on behalf of any prosecutor, for any of his official services; or during the pending of such prosecution, be engaged as counsel or attorney, for either party, in any civil action, depending essentially on the same facts.

CHAP. 101.

To receive no fee for official services, nor to act as counsel or attorney, in cases incompatible. 1821, 100, § 2. 10 Pick. 477.

SECT. 5. It shall be his duty, when criminal prosecutions shall be continued, to cause the witnesses on the part of the state to be recognized, to appear on the days specified in the ninth section of chapter, one hundred and fifty two, unless otherwise directed by the court.

When to require the attendance of witnesses. 1831, 509, § 2.

SECT. 6. He shall, in the month of December annually, make to the governor and council a report of the amount and kind of official business, by him done in the year preceding; the number of persons prosecuted, either by himself or the several county attorneys, the offences for which such prosecutions were had, the results thereof, and the punishment awarded in each case, with such other particular statements or suggestions, as he may deem interesting.

Annual report to the governor and council. 1839, 408, § 2.

CHAPTER 102.

OF COUNTY ATTORNEYS.

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- 2. Duties.
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- 5. And as to sheriffs' bonds. Penalty.

- SECT. 6. Courts may appoint substitutes, in case of necessary absence, &c.
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SECTION 1. There shall be appointed in each county, by the governor and council, an attorney for the state in such county, who shall be duly sworn.

Their appointment and oath. 1821, 100, § 1.

SECT. 2. He shall attend all the several terms of the district court in such county, and act for the state and for such county, in all cases, in which the state or the county may be a party; and in the absence of the attorney general shall act for the state, in the supreme judicial court, in the county for which he is attorney, under such directions as may be given him by the attorney general.

Duties. 1821, 100, § 1.

SECT. 3. Each county attorney shall be under the same restrictions, as are imposed on the attorney general, in the fourth section of chapter, one hundred and one.

Not to act as counsel or attorney in certain cases. 1821, 100, § 2.

SECT. 4. It shall be his duty to enforce the collection and payment, to the treasurer of the same county, of all fines, forfeitures and bills of costs, that shall have accrued to the state; and enforce on sheriffs, coroners and constables, a faithful performance of the duties of their respective offices, in relation thereto; and to give information to the court of all defaults and failures to pay into the treasury such fines and forfeitures as shall accrue to the county.

Duty as to fines, forfeitures, and bills of costs. 1830, 464, § 4.

SECT. 5. He shall annually move the county commissioners, at

And as to sher-