

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

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PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

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BANGOR:  
WHEELER & LYNDE.

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1857.

SEC. 19. Warrants of distress, on judgments legally rendered by the county commissioners, may be originally issued within two years after judgment, and made returnable to the clerk's office within ninety days from their date. New warrants may be issued, within two years from the return day of the last preceding warrant, for sums remaining unsatisfied. No warrant shall be originally issued against a town until twenty days after a certificate of rendition of the judgment is transmitted by their clerk to the assessors of such town. Interest on the damages is to be included and collected by such warrants as in executions.

SEC. 20. A party, for whose benefit a judgment is rendered by them, may recover the amount in an action of debt founded on such judgment.

SEC. 21. County commissioners have power to obtain loans of money for the use of their county, and to cause notes, or obligations, with coupons for lawful interest, to be issued for payment thereof at such times as they deem expedient.

## CHAP. 78.

Warrants of distress, when and how issued.

R. S., c. 99, § 20.  
R. S., c. 117, § 41.

Action of debt on a judgment.

R. S., c. 99, § 21.

Commissioners may obtain loans.

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## CHAPTER 79.

### CLERKS OF COURTS, COUNTY ATTORNEYS, AND ATTORNEYS AT LAW.

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2. Give bond, condition of it.
  3. Annual account rendered to treasurer of the county, balance paid.
  4. Pay all other money due to treasurer of the county within thirty days after received.
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  11. Records of clerks to be examined, when found deficient, made or corrected.
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#### COUNTY ATTORNEYS.

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14. Duties prescribed.
15. Duties prescribed continued.
16. Duties respecting sheriff's bond, penalty for neglect.
17. Annual report to attorney general.
18. Court may appoint one in case of vacancy or absence.
19. Restrictions respecting compensation and employment.
20. Duty when informed that a person has been arrested claimed as a fugitive slave.

#### ATTORNEYS AT LAW.

21. Who may be admitted as attorneys at law.
22. Pays duty and takes oath; form of oath.
23. Parties may manage their own causes personally or by attorneys.
24. If not admitted not entitled to recover for professional services.

## CHAP. 79.

## CLERKS OF THE JUDICIAL COURTS.

Election, &c.  
R. S., c. 100,  
§ 4.  
1842, c. 3,  
§ 1, 2, 3.  
1844, c. 87,  
§ 1, 2, 3.  
1847, c. 23, § 1.  
1855, c. 139, § 1.  
1856, c. 258.

Bond.  
R. S., c. 100,  
§ 5.  
1846, c. 209, § 1.

To render annual account to county treasurer, and pay balance.  
R. S., c. 100,  
§ 6.  
1852, c. 265.

Pay all other money due, to treasurer of county within thirty days after received.  
R. S., c. 100,  
§ 7.

Receive and give discharges for sums voluntarily paid.  
R. S., c. 100,  
§ 12.  
Transmit certificates of fines, &c., to secretary of state.  
R. S., c. 100,  
§ 13.

Copies of cases of law in which state is a party furnished to  
ney gen-  
1854, c. 66.

To complete records, &c.  
1856, c. 267.

SEC. 1. Clerks of the judicial courts shall be elected and notified, their elections determined and vacancies filled; and they shall enter upon the discharge of their duties at the time, and hold *them* [their office] for the term of three years, as is provided respecting county commissioners by chapter seventy-eight. They shall be sworn and perform all the duties required by law.

SEC. 2. Before entering upon the discharge of official duty, each clerk shall give bond to the state, to be lodged in the office of its treasurer, approved by the governor and council, in the sum of eight thousand dollars, with two or more sureties, conditioned that he will faithfully perform all the duties of his office, pay over all moneys, and safely keep and immediately deliver all records, files, papers, muniments in said office, and property of the county as required by law.

SEC. 3. He shall keep a true and exact account of all moneys that he receives, or is entitled to receive, for services by virtue of his office, and on the first Wednesday of January annually, render to the treasurer of the county, under oath, a true account of the whole sum thus accrued, specifying the items from which it accrued, and after deducting his own salary, pay over the residue, if any, to him for the use of the county.

SEC. 4. Sums to be paid to the treasurer of the county, and not provided for in the preceding section, shall be paid to him within thirty days after they are received. If he neglects to pay any sum as herein required, he shall pay interest therefor at the rate of twenty-five per cent. per annum till paid. The treasurer of the county shall notify the treasurer of state of any such known delinquency, and the clerk's bond shall be thereupon put in suit.

SEC. 5. He shall receive all fines, forfeitures, and bills of costs, arising or imposed to the use of the state, paid or tendered to him before a precept is issued to enforce collection; and give discharges therefor and enter them of record.

SEC. 6. Within twenty days after adjournment of a court, at which a fine, forfeiture, or bill of costs accrued, he shall transmit to the secretary of state, to be laid before the governor and council, a certificate thereof, naming the court and term, the names of the persons against whom they were awarded, and the names of the officers accountable for them to the state.

SEC. 7. He shall furnish to the attorney general full copies of all cases described in section seventeen, chapter seventy-seven, in which the state is a party, thirty days before the session of the court of law for that district. When the papers in such cases are not filed more than thirty days before such session, they shall be furnished immediately after they are filed.

SEC. 8. Under the direction of the supreme judicial court, he shall complete unfinished records of a former clerk deceased, when from entries on the dockets and papers on file it sufficiently appears what judgment was rendered. Such record being made and approved by the court shall be deemed valid.

SEC. 9. A clerk, who exacts or receives more fees, than are allowed by law, forfeits fifty dollars, to be recovered in an action of debt by any person suing therefor to his own use, or by indictment, half to the prosecutor and half to the state.

CHAP. 79.

Penalty for taking more than legal fees.  
R. S., c. 100, § 16.

SEC. 10. When a clerk is absent or the office is vacant, and an existing or immediate session of the court renders the appointment of a clerk necessary, the court may appoint one to supply the vacancy, until an appointment is made by the governor and council, or during such absence, who shall be sworn, and give such bond as the court orders.

Court may appoint a clerk, &c.  
R. S., c. 100, § 8, 9.

SEC. 11. The supreme judicial court shall cause the records of each clerk to be examined at least as often as there is a change of the clerk, and when they are found to be deficient, direct them to be immediately made or corrected, and when such order is not obeyed, the fact of such deficiency shall be certified to the treasurer of state, who shall cause the clerk's bond to be put in suit.

Records to be examined, and when found deficient, made or corrected.  
R. S., c. 100, § 14.

SEC. 12. The money recovered in such suit shall be applied, under the direction of the court, to complete the deficient records. If more than sufficient, the balance inures to the state. If not sufficient, the balance may be recovered by the treasurer of state in an action on the case founded on the bond and facts.

Disposition of money collected by suit on clerk's bond.  
R. S., c. 100, § 15.

#### COUNTY ATTORNEYS.

SEC. 13. The first section of this chapter respecting clerks is applicable to county attorneys, substituting the words "county attorneys" for the words "clerks of the judicial courts."

Mode of election, &c.

SEC. 14. The attorney of the state for the county shall attend the terms of the court held in his county, and act for the state in all cases in which the state or county is a party or interested, and in the absence of the attorney general from a term in the county or district, perform his duties in cases in the county, and coming from the county to the district under directions from him.

Duties.  
R. S., c. 102, § 2.  
1852, c. 289, § 2, 3.

SEC. 15. He shall enforce the collection and payment to the treasurer of the county, of all fines, forfeitures, and bills of costs, that accrue to the state, and the faithful performance of their duties by sheriffs, coroners, and constables, and give information to the court of their defaults in this respect.

R. S., c. 102, § 4.

SEC. 16. He shall annually move the county commissioners at their meeting next following the third Tuesday of June, to examine and consider the sufficiency of the sheriff's and coroner's bonds. If he neglects this or the duties required by the preceding section, he forfeits a sum not exceeding one hundred dollars, recoverable in an action of debt, in the name of the treasurer of state and to its use.

Duty respecting sheriff's and coroner's bonds, &c.  
R. S., c. 102, § 5.  
R. S., c. 104, § 3.

SEC. 17. He shall, annually, in the month of November, make such a report of the business done by him during the past year to the attorney general, as he is required to make by section thirty-four, chapter seventy-seven.

Annual report.  
R. S., c. 102, § 7.  
1845, c. 173, § 3.  
1852, c. 273.

SEC. 18. When he does not attend a session of the court, or the office is vacant, the court may appoint an attorney to per-

Court may appoint in case of vacancy, &c.

## CHAP. 79.

R. S., c. 102,  
§ 6.  
1850, c. 194,  
§ 1, 2.

Restrictions  
as to compen-  
sation, &c.  
R. S., c. 102,  
§ 2.  
1852, c. 289, § 2.

Duty when  
informed of the  
arrest of a per-  
son claimed as  
a fugitive  
slave.  
1857, c. 43,  
§ 1, 2.

form his duties during the session and allow him a reasonable compensation for his services, to be paid from the treasury of the county, and charged to the state as bills of costs are in criminal cases, and the judge shall notify the treasurer of state, who shall deduct the same from the salary of such county attorney.

SEC. 19. He is under the restrictions imposed upon the attorney general by section thirty-five, chapter seventy-seven, and shall cause witnesses to be recognized as required of the attorney general by section thirty-two of that chapter.

SEC. 20. When he is informed that any person has been arrested in his county, and is claimed as a fugitive slave under the provisions of any act of congress, he shall immediately repair to the place of his custody; render him all necessary legal assistance in his defence; and summon such witnesses as he deems necessary therefor; and their fees and all other necessary legal expenses therein shall be paid by the state.

## ATTORNEYS AT LAW.

Who may be  
admitted.  
1843, c. 12, § 1.

Pays the duty;  
form of oath.  
R. S., c. 103,  
§ 5.

Parties may  
manage their  
own causes,  
&c.  
33 Maine, 357.  
36 Maine, 339.  
R. S., c. 103,  
§ 6, 8.  
1843, c. 12, § 2.  
If not admit-  
ted not en-  
titled to recov-  
er for services.  
R. S. c. 103,  
§ 7.

SEC. 21. Any citizen of this state, of good moral character, on application to the supreme judicial court, shall be admitted to practice as an attorney in the judicial courts in this state.

SEC. 22. No person shall be thus admitted to practice, until he pays the duty by law required, and in open court takes and subscribes the oath to support the constitution of the United States, and also takes the following oath, viz.:

"You solemnly swear, that you will do no falsehood, nor consent to the doing of any in court, and if you know of an intention to commit any, you will give knowledge thereof to the justices of the court or of some of them, that it may be prevented; you will not, wittingly or willingly, promote or sue any false, groundless, or unlawful suit, nor give aid or consent to the same; you will delay no man for lucre or malice, but you will conduct yourself in the office of an attorney within the courts, according to the best of your knowledge and discretion, and with all good fidelity, as well to the courts, as your clients. So help you God."

SEC. 23. Parties may plead and manage their own causes personally, or by the assistance of such counsel as they see fit to engage, or by any citizen of good moral character who produces in court a letter of attorney for that purpose. But the plaintiffs in any suit shall not manage their cause by more than two attorneys, nor shall any defendant employ a greater number.

SEC. 24. No person commencing practice as an attorney or counselor at law in any other state or place, or in any court in this state, without the qualifications, oaths, and payment of the duty aforesaid, shall be entitled to demand or recover any remuneration for his professional services rendered in this state.