

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY BAILEY & NOYES.

## CHAPTER 80.

## SHERIFFS, CORONERS, AND CONSTABLES.

## SHERIFFS.

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JAILS AND JAILERS.

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SHERIFFS.

SEC. 1. Sheriffs shall be elected or appointed and hold their offices according to the provisions of the constitution, and their election shall be effected and determined as is provided respecting county commissioners by chapter seventy-eight, and shall enter upon the discharge of official duty on the first day of January following. Every person elected or appointed sheriff shall be duly sworn; and if for either of the counties of York, Cumberland, Kennebec or Penobscot, before receiving his commission, shall give bond to the treasurer of the state, with at least three sufficient sureties, in the sum of forty thousand dollars; and if for either of the other counties, in the sum of twenty-five thousand dollars, conditioned for the faithful performance of the duties of his office, and to answer for all neglects and misdoings of his deputies.

Sheriffs to be elected or appointed and hold office as provided in the constitution. Their oath and bond. R. S. c. 80, § 1. 1862, c. 125.

SEC. 2. Every sheriff, having executed such bond within such term, shall file it in the office of the clerk of the county commissioners of his county, to be presented to them at their next meeting for approval, and after being so approved the clerk shall record it and certify the fact thereon, and retaining a copy thereof, deliver the original to the sheriff, who shall deliver it to the treasurer of state, within twenty days after its approval, to be filed in his office.

Bond to be approved by county commissioners, and filed with treasurer. R. S. c. 80, § 2. 11 Me. 241.

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Sufficiency of bonds to be examined annually.  
R. S. c. 80, § 3.

SEC. 3. The county commissioners in each county, at their first meeting after the third Tuesday of June, on motion of the county attorney, shall annually examine into the sufficiency of the bond of the sheriff in their county, and cause a record of their determination to be made by their clerks, who shall certify the same to the treasurer of state within thirty days.

If adjudged insufficient, new bond to be given.  
R. S. c. 80, § 4.

SEC. 4. If the bond of any sheriff is adjudged insufficient, the clerk, within ten days, shall certify that fact to him, who, within twenty days thereafter, shall give a new bond with sufficient sureties, to be filed in the office of the clerk of the county commissioners and approved as aforesaid, and then filed in the office of the treasurer of state.

Forfeiture for neglect to give bond; office vacant if neglect is continued.  
R. S. c. 80, § 5.

SEC. 5. Any sheriff, for each month's neglect to give the security required in the first or fourth section, shall forfeit the sum of one hundred and fifty dollars to the use of the state, to be recovered in an action of debt by the treasurer of state, and the attorney general shall prosecute therefor; and the clerk of his county shall certify such sheriff's name to the governor and council and the attorney general; and unless reasonable cause therefor is shown, or within twenty days after the clerk has so certified, he gives or renews his security to the satisfaction of the governor and council, he thereby vacates his office.

In what cases governor may require new bond.  
R. S. c. 80, § 6.

SEC. 6. When the treasurer of state certifies to the governor and council that moneys due to the state on warrants, or any other sums or balances are\* in the hands of a sheriff, and furnishes the names of his sureties, and it appears to them that the sureties are insufficient, or have removed from the state, they may require him to give a new bond, with sufficient sureties, within sixty days after he is notified, to be filed as aforesaid, and if he neglects it, his office becomes vacant.

New bonds required on application of sureties.  
R. S. c. 80, § 7.

SEC. 7. When a surety on the official bond of a sheriff, or his heirs, executors, or administrators, petitions the county commissioners of the same county to be discharged therefrom, they shall cause an attested copy of the petition to be served on such sheriff, and may require him to give a new bond to their satisfaction; and when it is given and accepted, such surety or his legal representatives, shall not be liable for any neglects or misdoings thereafter.

To notify coroners; may appoint and discharge deputies, and furnish clerk of each county list thereof.  
R. S. c. 80, § 8.  
1863, c. 163.  
18 Me. 59, 277.  
19 Me. 495.  
23 Me. 326.  
25 Me. 308.  
29 Me. 73.  
31 Me. 162.  
33 Me. 420.

SEC. 8. Every sheriff, elected or appointed, shall give notice thereof to the coroners of his county; and may appoint deputies, for whose official misconduct and neglect he is answerable, and they shall be duly sworn. Their appointment and discharge shall be in writing, signed by him, and recorded in the office of the clerk of the courts in his county, and shall not be valid until so lodged and recorded, except by operation of law or by vacancy in the office of sheriff. For recording such appointment or discharge the sheriff shall pay the

clerk twenty-five cents. He shall also furnish to the clerks of the courts in each county, the names of the deputies by him appointed from time to time, with their residence and post-office address. CHAP. 80.  
36 Me. 542.  
51 Me. 544.

SEC. 9. Every sheriff and each of his deputies shall serve and execute, within his county, all writs and precepts issued by lawful authority, to him directed and committed, including those in which a town, plantation, parish, religious society or school district of which he is at the time a member, is a party or interested, but his legal fees for services shall first be paid or secured to him; and if they are not, when the process is delivered to him, he shall forthwith return it to the plaintiff or attorney offering it; or if sent to him by mail or otherwise, shall put it into some post office within twenty-four hours, directed to the person sending it; otherwise he shall be deemed to have waived his right to his fees before service. Duty of sheriff and deputies to serve precepts; their fees to be paid or secured.  
R. S. c. 80, § 9.  
1 Me. 361.  
22 Me. 14.  
24 Me. 52.  
42 Me. 414.  
54 Me. 203.

SEC. 10. Sheriffs and their deputies have the same authority, and the deputies are under the same obligation to serve, execute, and return all processes in their hands, when, for any cause, they cease to hold such office, as before; and official neglects or misdoings of a deputy after his principal is out of office, are a breach of such sheriff's bond. Duty and liability of sheriffs and deputies in serving processes on ceasing to hold office.  
R. S. c. 80, § 10.  
55 Me. 546.

SEC. 11. Actions for the neglect or misdoings of a sheriff or his deputies shall survive the sheriff, and may be sued against his executors or administrators. Survivorship of actions against them.  
R. S. c. 80, § 11.

SEC. 12. Any person, injured by the neglect or misdoings of a sheriff, who has first ascertained the amount of his damages by judgment in a suit against him, his executors or administrators, or by a decree of the probate court allowing his claim, may, at his own expense, in the name of the treasurer, institute a suit on his official bond in the county where he was authorized to act, and prosecute it to final judgment and execution. His name and place of residence, or that of his attorney, shall be indorsed on the writ, and the indorser alone shall be liable for costs. If judgment is rendered for the treasurer, it shall be for the damages ascertained as aforesaid, or so much thereof as remains unpaid, with interest, and the party's name for whose use the suit was brought, shall be expressed in the execution issued thereon. If the judgment is for the defendant, it shall be against the party for whose use the suit was brought. Person injured by misdoings of sheriff may sue the bond, in name of state treasurer, at his own expense. Writ to be endorsed; costs. How judgment is to be rendered.  
R. S. c. 80, § 12.  
46 Me. 497.  
49 Me. 173.  
51 Me. 515, 544.  
56 Me. 211.

SEC. 13. Any other person, having a right of action on such bond, may file an additional declaration in the same action in the office of the clerk of the courts, who shall issue a summons, directed to the defendant, specifying the cause of action and the amount demanded, returnable to the same court and endorsed by the name and place of residence of such other person, or his attorney; and such indorser shall be liable for costs the same as indorsers of writs. Actions on sheriff's bond, proceedings.  
R. S. c. 80, § 13

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Service by summons and attachment. Rights of person filing declaration. Defendant to answer. R. S. c. 80, § 14. Damages assessed on rendition of judgment. Execution, how to issue. R. S. c. 80, § 15.

SEC. 14. The property of the defendant may be attached on such summons as on mesne process, and it shall be served on the defendant as an original summons; and thereupon such person shall have all the rights of a plaintiff in the suit; and the defendant shall answer to said declaration, and judgment may be rendered thereon as if it was filed in an action originally instituted for the same cause.

SEC. 15. When judgment is rendered against the defendant in such action, damages shall be assessed on each declaration for the amount which the party filing it would recover in a suit on the bond, with costs; and 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. If judgment is for the defendant on any such declaration, execution shall issue against the party filing it for costs. No such action shall be dismissed, discontinued or nonsuited, except by order of court, without the consent of all parties interested as plaintiffs.

Any person entitled to a copy of the bond; when legal evidence and when not. R. S. c. 80, § 16.

SEC. 16. The treasurer shall deliver an attested copy of a sheriff's bond to any one applying and paying for it, which shall be competent evidence in any case relating thereto, unless its execution is disputed, in which case, the court may order the treasurer to produce it in court for the purposes of the trial.

Sheriff not liable to arrest in civil action; executions issue against his property; but he may disclose. Failing to pay or disclose, vacates his office. Alias execution against body in such case. R. S. c. 80, § 17. 1858, c. 21.

SEC. 17. No sheriff shall be arrested upon any writ or execution in any civil action; but when a judgment is rendered against him in his private or official capacity, the execution thereon shall issue against his property, but not against his body; yet he may, after notice that such execution has issued, unless upon a judgment for his own official delinquency, cite the creditor and make disclosure of the actual state of his affairs in the manner provided by law for poor debtors arrested upon execution; and if the execution is returned unsatisfied, and he shall not have made such disclosure, or if the judgment was rendered for his own official delinquency, the creditor may file an attested copy of such execution and return, with the governor and council, and serve on such sheriff a copy of such copy, attested by the secretary of state, with a notice under his hand of the day on which such copy was filed; and if such sheriff does not within forty days after such service, pay the creditor his full debt with reasonable cost for copies and services of them, he thereby vacates his office. But when he ceases to be sheriff, the clerk may issue alias executions against his property and body, if he has not before disclosed under the provisions hereof.

Fees of sheriff from deputies. R. S. c. 80, § 18.

SEC. 18. No sheriff shall receive from his deputies any portion of the fees for levying and collecting executions issued by a justice of the peace, wherein the debt or damage does not exceed twenty dollars; nor more than at the rate of twelve per cent. on the amount of fees for travel and service of precepts; nor a per centage on any



items, except travel and service, notwithstanding his bond otherwise provides. CHAP. 80.

SEC. 19. Each deputy sheriff shall keep a true account, with the items thereof, of all fees for travel and service, and other emoluments accruing to him by virtue of his office, and within twenty days after the first day of December annually, return, under oath, to the sheriff, a true copy of such account up to that time.

Deputy to keep account of fees, and return to sheriff.  
R. S. c. 80, § 19.

SEC. 20. Each sheriff, within ten days after the twentieth day of December annually, from the accounts so returned to him by his deputies, shall state a true account of the amount of such fees for travel, services and other emoluments, specifying the different classes of items accruing to his deputies, and of the amount of such fees and other emoluments accruing to himself from his deputies within the preceding year, and make a true return thereof under oath, to the treasurer of his county, and pay to him, for the use of the county, the residue, after deducting the sum allowed him in the following section.

Sheriffs to make return of emoluments to county treasurer annually.  
R. S. c. 80, § 20.  
1858, c. 35.

SEC. 21. The sheriffs for the counties of York, Cumberland, Lincoln, Penobscot, and Kennebec, are allowed seven hundred dollars each; of Oxford and Somerset, five hundred dollars each; of Androscoggin, Hancock, Knox, Sagadahoc, Waldo and Washington, four hundred dollars each; of Piscataquis, three hundred and fifty dollars; of Franklin, three hundred dollars, and of Aroostook, one hundred and twenty-five dollars.

What sums may be retained by sheriffs.  
R. S. c. 80, § 21.  
1860, c. 181, § 4.

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JAILS AND JAILERS.

SEC. 22. The sheriff shall have charge of the jail in his county, and keep it himself, or appoint a jailer, for whose official neglects and misdoings he is answerable, and he shall be sworn.

Sheriff to have charge of jail; answerable for jailer.  
R. S. c. 80, § 22.

SEC. 23. When a vacancy occurs in the office of sheriff, the jailer then lawfully acting, shall continue in office, and retain the charge of the jail, and of all prisoners therein, or committed thereto, and his official neglects and misdoings shall be a breach of his principal's official bond, until a new sheriff is qualified, or the governor and council remove such jailer and appoint another, which they are authorized to do; and the jailer so appointed shall give bond, in the manner required of a sheriff, for the faithful discharge of his duties.

When vacancy in office of sheriff, jailer to continue. When governor or may appoint a jailer.  
R. S. c. 80, § 23.

SEC. 24. If the office of jailer becomes vacant, while the office of sheriff is vacant, the county commissioners may appoint a jailer, who shall give bond as a sheriff is required to do, and continue in office, if his appointment is confirmed at their next meeting, during the vacancy in the office of sheriff, or until he is removed, and a new jailer appointed.

When office of jailer and sheriff vacant; county commissioners may appoint jailer.  
R. S. c. 80, § 24.

SEC. 25. The sheriff shall see that the jail in his county is kept as clean and healthy as may be; cause the walls to be whitewashed

Jail to be kept clean and healthy.  
R. S. c. 80, § 25.

CHAP. 80. in April or May annually, and as often as the county commissioners order, at the expense of the county; and pay strict attention to the personal cleanliness of the prisoners.

Jailer to reside in house provided by county commissioners; forfeiture for neglect.  
R. S. c. 80, § 26.

SEC. 26. Every keeper of a jail shall reside constantly, with his family, if he has any, in the house provided for him, if it is good and sufficient in the opinion of the county commissioners; and if he neglects so to do, he shall forfeit, not exceeding three hundred dollars, to be recovered by indictment to the use of the county.

Sheriff to keep record of persons committed, with a description of each, and other particulars.  
R. S. c. 80, § 27.

SEC. 27. Every sheriff shall keep, in a bound book provided for that purpose, a true and exact calendar, containing, distinctly and fairly registered, the names of all prisoners who are committed to the jail under his charge, their places of abode, additions, time of their commitment, for what cause, and by what authority; and a particular description of the persons of those committed for criminal offences; and he shall register in said book the name and description, the time when, and the authority by which any prisoner was discharged; and the time and manner of any prisoner's escape.

Jailer to return list of prisoners at each session of supreme court. Penalty for neglect.  
R. S. c. 80, § 28.

SEC. 28. Every jailer, at the opening of the supreme judicial court for his county, shall return a list of prisoners in his custody, and of all committed during the session, certifying the cause for which and the person by whom committed; and shall have the calendar of prisoners in court for its inspection; and for neglecting so to do, the court may impose a reasonable fine.

Official papers, to be filed and kept with calendar, and delivered to successor. Penalty for neglect.  
R. S. c. 80, § 29.

SEC. 29. All warrants, mittimus, processes, and other official papers, or attested copies of them, by which any prisoner is committed or liberated, shall be regularly filed in order of time; and with the calendar aforesaid safely kept in a suitable box; and when he vacates his office, shall be, by the sheriff, or his personal representative, delivered over to his successor, on penalty of forfeiting two hundred dollars, to the use of the county.

Sheriff answerable for delivery of prisoners to successor.  
R. S. c. 80, § 30.

SEC. 30. Every sheriff shall be answerable for the delivery over to his successor of all prisoners in his custody at the time of his removal; and for that purpose, shall retain the keeping of the jail in his county, and the prisoners therein, until his successor enters on the duties of his office.

Liability of sheriff on escape of prisoners.  
R. S. c. 80, § 31.

SEC. 31. When any prisoner escapes through the insufficiency of the jail, or the negligence of the sheriff or jailer, the sheriff shall be chargeable to the creditor, or other person, at whose suit he was committed, or to whose use any forfeiture was adjudged against such prisoner.

When escape through insufficiency of jail, amount paid by sheriff to be repaid by county; proceedings.  
R. S. c. 80, § 32.

SEC. 32. When such escape happens through the insufficiency of the jail, the county commissioners may order the county treasurer to pay the sheriff the amount paid by him to such party; and if they do not make such order within six months after the demand is laid before them, the sheriff may bring his action on the case against the

inhabitants of such county, to be tried therein, or in an adjoining county; and an attested copy of the writ left with the county treasurer, thirty days before the sitting of the court to which it is returnable, is a sufficient service.

SEC. 33. The commissioners may appoint an agent, to appear and defend the suit; and if they have no meeting between the time of service and the return day thereof, it shall be continued to the next term, saving all advantages to the defendants; and if judgment is rendered against the county, the execution may be levied on the estate of any inhabitant, who shall have his remedy against the county to recover the amount so levied.

Agent to defend suit of sheriff may be appointed by county commissioners. Execution, how levied.  
R. S. c. 80, § 33.

SEC. 34. Every prison keeper shall keep prisoners committed for debt, separate from prisoners charged with felony or infamous crimes; and all minors so committed, and all prisoners upon a first charge, before or after conviction, separate from notorious offenders, and those convicted more than once of felony or infamous crimes, as the construction or state of the prison will admit.

Prisoners for debt to be kept separate from felons, and minors apart from old offenders.  
R. S. c. 80, § 34.

SEC. 35. If any prison keeper violates the provisions of the preceding section, or voluntarily or negligently suffers any prisoner in his custody, charged with or convicted of any crime, to have any spirituous liquors, or in part spirituous, unless the physician authorized to attend the sick in such prison, in writing, certifies that such prisoner's health requires it, and prescribes the quantity, he shall, in each case, for the first offence, forfeit twenty-five dollars, and for the second offence, fifty dollars, to be recovered by indictment for the use of the county, or by any person suing therefor, to his own use; and shall be removed from office, and incapable of holding the office of sheriff, deputy sheriff, or jailer, for the term of five years; and if he, or any other person, gives, sells or delivers to any person committed to jail on mesne process or execution, or to any other person for his use, any spirituous liquors, without the consent in writing of the overseers of the poor of the town where the jail is situated, he shall forfeit not less than five, nor more than ten dollars, to be recovered on complaint before a trial justice, municipal or police court, one half to the use of said town, and the other to the prosecutor.

Penalty for violation of preceding section, or furnishing spirituous liquors to prisoners.  
R. S. c. 80, § 35.

SEC. 36. If any prison keeper, through negligence, suffers any prisoner charged with crime to escape, he shall pay such fine as the court before which he is convicted inflicts, according to the nature of the offence charged against the escaped prisoner; if any person committed for debt escapes from prison, and the sheriff or jail keeper, within three months thereafter, recovers and returns him thereto, the sheriff shall be liable for no more than the costs of any action commenced against him therefor.

Liability of keeper and sheriff if prisoners escape.  
R. S. c. 80, § 36.

SEC. 37. The keepers of the several jails in this state shall receive and safely keep all prisoners committed under the authority

Jailers to receive prisoners committed by

**CHAP. 80.** of the United States, until discharged by law, under the penalties provided by law for the safe keeping of prisoners under the laws of this state.

authority of United States.  
R. S. c. 80, § 37.

When person dies in jail, body to be delivered to friends, or buried at expense of town.  
R. S. c. 80, § 38.

**SEC. 38.** When a person dies in jail in any county, the jailer or sheriff shall deliver his body to his friends, if requested; and if not, he shall bury it in the common burying ground, and the expenses thereof shall be paid by the town in which he had a legal settlement, if any in the state, and if not, by the state.

Fines to be applied to building and repair of jails.  
R. S. c. 80, § 39.

**SEC. 39.** All fines arising from breaches of any of the provisions of this chapter, not otherwise appropriated, shall be applied to building and repairing the jails in the county where the offence is committed.

#### CORONERS.

Appointment and bond of coroners.  
R. S. c. 80, § 40.

**SEC. 40.** Every coroner shall be appointed and hold his office according to the provisions of the constitution, be sworn, and give bond to the treasurer of state, with sufficient sureties, to the satisfaction of the county commissioners of his county, for the faithful discharge of his duties; such bond shall be transmitted to such treasurer, as a sheriff's bond is; but when it is approved, by the certificate of two county commissioners, and filed with the clerk of his county, he may discharge his duties till the first day of their next stated session, and not afterwards, unless his bond is then approved by them.

Certain sections applicable to coroners.  
R. S. c. 80, § 41.

**SEC. 41.** All the provisions of sections three, four, seven, twelve, thirteen, fourteen, fifteen, and sixteen, apply to coroners as well as to sheriffs; and any coroner neglecting to give the new bond required by section four, thereby vacates his office.

Of coroner's powers to serve precepts.  
R. S. c. 80, § 42.  
1 Me. 361.  
21 Me. 451.  
51 Me. 544.  
54 Me. 203.

**SEC. 42.** Every coroner shall serve and execute, within his county, all writs and precepts in which the sheriff thereof or his deputy is a party, unless served by a constable, or while the office of sheriff therein is vacant, including those in which a town, plantation, parish, religious society, or school district, of which he is at the time a member, is a party or interested; and may lawfully serve, execute and return any process in his hands when his term of office expires, or he is notified of the qualification of the sheriff of his county, after a vacancy.

#### CONSTABLES AND POLICE OFFICERS.

Power to serve precepts.  
To give bond; forfeiture for serving before giving bond.  
R. S. c. 80, § 43,  
1864, c. 242.  
5 Me. 76.  
11 Me. 332.  
39 Me. 530.  
48 Me. 255.

**SEC. 43.** A constable may serve, execute and return, upon any person in his town, or in an adjoining plantation, any process of forcible entry and detainer, or any writ or precept in a personal action, when the damage claimed does not exceed a hundred dollars, including those in which a town, plantation, parish, religious society, or school district, of which he is a member, is a party or interested; but

before he serves any process, he shall give bond to the inhabitants of his town in the sum of five hundred dollars, with two sureties, approved by the municipal officers thereof, who shall indorse their approval on said bond in their own hands, for the faithful performance of the duties of his office, as to all processes by him served or executed; and for every process he serves before giving such bond, he shall forfeit not less than twenty, nor more than fifty dollars, to the use of any person suing therefor. CHAP. 80.

SEC. 44. Persons injured by the neglect or misdoings of a constable may have the same remedy by preliminary action, and action on his bond, as is provided in case of a sheriff's bond. Remedy of persons injured by misdoing of constable.  
R. S. c. 80, § 44.

SEC. 45. The constables of the town of Bristol may serve all precepts on the island called Muscongus and Harbor islands, in the county of Lincoln, as in their own town, until said islands can legally elect constables. Constables of Bristol, &c.  
R. S. c. 80, § 45.

SEC. 46. Police officers, duly appointed in any city, shall have all the powers of constables in all criminal matters, or relating to the by-laws of their city. Police officers of cities have powers of constables in certain matters.  
R. S. c. 80, § 46.

PROVISIONS RELATING TO SHERIFFS, CORONERS, AND CONSTABLES.

SEC. 47. A warrant duly issued by a municipal or police court, or a trial justice, for an offence committed in his county, or under the law for the maintenance of bastard children, may be directed to and executed by a constable of any town therein; and if the accused has gone into another county before or after the warrant was issued, a sheriff or his deputy, coroner, or constable, having the warrant, may pursue and arrest him in any county, and carry him to the county where the act complained of was committed; and when any such officer arrests a person to commit him to the jail of his county, he may convey him by the most convenient and suitable route, though it passes through other counties. Constables may serve certain warrants in any town in the county. Officers may serve certain precepts in any county.  
R. S. c. 80, § 47.

SEC. 48. Any officer aforesaid, in the execution of the duties of his office in criminal cases, for the preservation of the peace, for apprehending or securing any person for the breach thereof, or in case of the escape or rescue of persons arrested on civil process, may require suitable aid therein; and any person, so required to aid, who neglects or refuses so to do, shall forfeit to the use of the county not less than three, nor more than fifty dollars; and if he does not forthwith pay such fine, the court may punish him by imprisonment not exceeding thirty days. Aid may be required by officer. Penalty for refusing.  
R. S. c. 80, § 48.

SEC. 49. If any officer aforesaid, who has commenced the service or execution of a precept, by death or otherwise becomes disqualified to complete it, it may be completed, with the same legal effect, by any other qualified officer; or if a deputy sheriff dies after he has served and returned a precept, the sheriff, if alive, and if not, any Service commenced, and officer becoming disqualified, may be completed by another.  
Amendment of

## CHAP. 80.

deceased officer's return may be made by sheriff or another deputy.

R. S. c. 80, § 49.  
1868, c. 155.  
41 Me. 340.

Copy of writ on which attachment made, to be delivered to defendant on request.

Penalty.  
R. S. c. 80, § 50.

Penalty for neglect of officer to pay money collected.

R. S. c. 80, § 51.  
8 Me. 133.  
18 Me. 59.

No officer to appear as attorney or draw papers.

Penalty, and such acts void.  
No employee of jailer to act as magistrate or attorney, and such acts void.

R. S. c. 80, § 52.  
1870, c. 167.

deputy in commission at the time of such service, may be allowed by the court to amend such return the same as the officer who made it, might; but the rights of third parties shall not be affected thereby.

SEC. 50. Every officer, plaintiff or his attorney, having in his possession a writ on which an attachment has been made, shall make and deliver to the debtor or his attorney, if requested and the legal fee tendered, an attested copy thereof. And if he unreasonably refuses or neglects so to do for twenty-four hours, he shall forfeit five dollars, and five dollars additional for every subsequent twenty-four hours he so refuses or neglects; to be recovered by the debtor to his own use, in an action of debt, in any competent court.

SEC. 51. Any officer aforesaid who unreasonably neglects or refuses, on demand, to pay money received by him on execution to the person entitled to it, shall pay five times the lawful interest thereon so long as he so retains it.

SEC. 52. No officer aforesaid shall appear before any court or justice of the peace as attorney or advising any party in a suit, or draw any writ, plaint, declaration, citation, process, or plea for any other person; and all such acts done by either of them shall be void; and no person employed by the keeper of a jail as turnkey or in any other capacity, shall exercise any power or duty of a magistrate, or act as attorney for any person confined in the jail; and all such acts shall be void.