

MAINE STATE LEGISLATURE

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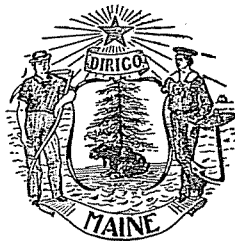
FIFTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

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services not so specified. His account shall be audited and examined by the county attorney and clerk, to the truth of which he shall be sworn before one of them; they shall certify the amount allowed, and no further sum shall be paid. The clerk shall cause a copy of such account to be published in a newspaper printed in the county, if any, and return such printed copy to the secretary of state by the first day of January in each year.

SEC. 24. If a commissioner charges in his account any miles not actually traveled, or time not spent, he forfeits ten dollars for every such charge, to be recovered in an action of debt in the name of the county, half to the complainant and half to the county.

and returned
to secretary
of state.
R. S., c. 78, § 22.

Penalty for
over-charge-
ing, and how
collected.
R. S., c. 78, § 23.

CHAPTER 81.

CLERKS OF COURTS. COUNTY ATTORNEYS AND ATTORNEYS AT LAW.

CLERKS OF THE JUDICIAL COURTS.

SEC. 1. Clerks of the judicial courts, shall be elected and notified, their elections determined and vacancies filled in the same manner, and they shall enter upon the discharge of their duties at the same time as is provided respecting county commissioners, but they shall hold their offices for four years.

SEC. 2. Before entering upon the discharge of official duty, each clerk shall give a 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 which he receives, or is entitled to receive, for services by virtue of his office, and on the first Wednesday of each January, and at such other times as may be required by law, render to the county treasurer under oath, a true account thereof, specifying the items, and after deducting his salary and the amount allowed him for clerk hire, pay the residue, if any, to said treasurer for use of the county; but all other moneys belonging to the county shall be paid in thirty days after they are received by him; and if, in either case he neglects to do so, he shall pay twenty-five per cent interest thereon until paid; and the county treasurer shall notify the treasurer of state of any such known delinquency, and the clerk's bond shall then be sued.

SEC. 4. He shall receive all fines, forfeitures and bills of costs, imposed or accruing to the use of the state, when paid or tendered to him before a precept is issued to enforce collection; give discharges therefor and enter them of record.

SEC. 5. He shall furnish to the attorney general full copies of all cases described in section forty-six of chapter seventy-nine, in which the state is a party, thirty days before the session of the law court 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.

Clerks, how
elected.
—vacancies.
R. S., c. 79, § 1.
See c. 6, § 59;
c. 80, §§ 1-4.
—term.

Bond.
See Const.
Me., Art. ix.,
§ 1.
R. S., c. 79, § 2.
60 Me. 429.

To account
for moneys
received and
pay balance
to county
treasurer;
other moneys
to be paid in
thirty days,
or bond sued.
R. S., c. 79, § 3.
See c. 116, § 5.

Receive and
discharge
fines and
costs volun-
tarily paid.
R. S., c. 79, § 4.

Copies of
law cases in
which state
is a party, to
be furnished.
R. S., c. 79, § 5.

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To complete records of deceased clerk; approval. R. S. c. 79, § 6. 60 Me., 429.

He shall record lists of justices.

—also discharges of soldiers and seamen. R. S. c. 79, § 7. 60 Me., 429. See c. 83, § 71; c. 117, § 4.

—state paper to be filed. Resolve of 1848, c. 112.

Penalty for taking illegal fees. R. S. c. 79, § 8. See c. 108, § 18.

Deputy clerk. R. S. c. 79, § 9.

—oath and bond of deputy clerk.

—his powers and duties.

Court may appoint a clerk pro tem. in absence of clerk; oath and bond. R. S., c. 79, § 10.

Clerks shall make extended records in certain cases. R. S. c. 79, § 11. 78 Me., 112. 82 Me., 76. 85 Me., 370.

—brief records in other civil cases.

Extended records in indictments for felonies. R. S., c. 79, § 12.

—in misdemeanors, brief record.

—in criminal appeals, record, how made.

SEC. 6. Under 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, when approved by the court, is valid.

SEC. 7. He shall record the list of magistrates furnished by the secretary of state, in a suitable book; and such record, and also copies thereof duly attested by him, are legal, but not conclusive evidence of the due appointment and qualification of all such officers. He shall also record in a book kept for that purpose, properly indexed, certificates of discharge of soldiers and seamen from the army and navy of the United States; certified copies from such record, when the originals are lost, shall be evidence in court, and in the absence of other proof, have the same effect as the originals. He shall preserve and file, for public inspection, all copies of the state paper forwarded to him by the publisher thereof, as required by law.

SEC. 8. A clerk, who exacts or receives more than his lawful fees, forfeits fifty dollars, to be recovered in an action of debt by the prosecutor, or by indictment, half to the prosecutor and half to the state.

SEC. 9. Any clerk may appoint a deputy to be paid out of the clerk's salary, for all whose official acts the clerk is responsible. Before entering upon his official duties, such deputy shall be sworn and give bond to the clerk, approved by the county commissioners and lodged in the office of the county treasurer, in the sum of eight thousand dollars, with two or more sureties, conditioned that he will faithfully perform all the duties required of clerks of courts. Whenever the clerk is unable to perform the duties of his office, said deputy shall have all the powers and perform all the duties of clerk, and be subject to the same penalties for any neglect thereof.

SEC. 10. When a clerk is absent or the office is vacant, and an existing or immediate session of the court renders it necessary, the court may appoint a clerk 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.

SEC. 11. Clerks shall, without unreasonable delay after the rendition of final judgment, make extended records of proceedings in court, in all cases contested by an issue joined before the court or jury, in actions of flowage, cases in equity, real actions, libels for divorce, petitions for partition, petitions to enforce liens and actions upon mortgages. In all other civil cases, it is sufficient to record the names of the parties, date of writ, the term of the court at which it was entered, date of service or notice to defendants, the time of rendition of judgment, its nature and amount, and the number of the case upon the docket at the judgment term, but upon motion of either party, the court may, if special cause is shown, order a full record in any case.

SEC. 12. In indictments for felonies, clerks shall make extended records of the process, proceedings, judgment and sentence. In other indictments, it is sufficient to record the title of the case, the nature of the indictment, the term when it was found, the proceedings in brief thereon, and the judgment and sentence of the court. In criminal prosecutions brought up by appeal from inferior courts, it is sufficient to record the title of the case, the nature and date of the complaint, the name and official character of the magistrate before whom the case was tried, and the sentence appealed from and its date; to be followed by correct minutes of the proceedings and judgment in the appellate court.

SEC. 13. The supreme judicial court shall cause the records of each clerk to be examined at least as often as there is a change of clerk, and when found 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 sued.

Records shall be examined, and when found deficient, made or corrected.
R. S., c. 79, §13.
60 Me., 429.
70 Me., 432.

SEC. 14. The money recovered in such suit shall be applied, under 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.

Disposal of money collected by suit on clerk's bond.
R. S., c. 79, §14.

SEC. 15. No clerk, register or recording officer of any court of the state, shall be attorney or counselor in any suit or matter pending in such court; neither shall he commence actions to be entered therein; or draft or aid in drafting any document or paper which he is by law required to record, in full or in part, under a penalty not exceeding one hundred dollars, to be recovered by any complainant by action of debt for his benefit, or by indictment for the benefit of the county.

No clerk, register or recorder to be attorney or sue in his own court.
R. S., c. 79, §15.
—not to draft or aid in drafting any paper which he is required to record.
1893, c. 245.

Note. Clerks of courts to make returns of fines collected under inland fish and game laws, c. 32, § 59; of libels for divorce to state registrar of vital statistics, c. 61, § 33; to make abstract on record, of pardon or commutation of sentence, c. 139, § 6.

COUNTY ATTORNEYS.

SEC. 16. County attorneys shall be elected and notified, their elections determined and vacancies filled in the same manner, and they shall enter upon the discharge of their duties at the same time as is provided respecting county commissioners, but they shall hold office for two years. None but a permanent resident of the county shall hold such office, and removal therefrom vacates the office.

County attorneys, how elected; vacancies, how filled.
R. S., c. 79, §16.
See c. 6, § 59;
c. 80, §§ 1-4.
71 Me., 384.

SEC. 17. The county attorney shall attend all criminal terms 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, shall perform his duties in state cases under directions from him, in the county, and he shall appear and act for the state with the attorney general, in the law court, in all state cases coming into said court from his county; but no additional compensation shall accrue to the county attorney by the discharge of such duties.

Duties.
R. S., c. 79, §17.
67 Me., 129.

—to act with attorney general in the law court.

SEC. 18. He shall enforce the collection and payment to the county treasurer, of all fines, forfeitures and costs, accruing 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; and 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 coroners' bonds. If he neglects either of said duties, he forfeits to the state not more than one hundred dollars, to be recovered in an action of debt, in the name of the treasurer of state.

To enforce collection of fines and costs by officers.

—examination of officers' bonds.
R. S., c. 79, § 18.
See c. 82, § 3.
—penalty for neglect, how collected.

SEC. 19. He shall, annually, by the twentieth day of November, make such a report to the attorney general of the business done in his office during the year ending on the first day of said November as is required by section sixty-four of chapter seventy-nine, and failing to do so, he forfeits one-half of his salary for the current quarter, to be deducted by the governor and council in drawing his salary warrant, unless they are satisfied that there was reasonable cause therefor.

Annual report to attorney general.
R. S., c. 79, § 19.

—penalty for neglect how collected.

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Appointment
of temporary
substitute.
R. S., c. 79, § 20.
67 Me., 129.

Restrictions
and obliga-
tions.
R. S., c. 79, § 21.

Assistant
county
attorney for
Cumberland
county.
R. S., c. 79, § 22.

—duties.

See c. 116, § 2.

SEC. 20. When he does not attend a criminal session, or the office is vacant, the court may appoint an attorney to perform his duties during the session, and allow him a reasonable compensation, to be paid from the county treasury, and the justice shall notify the treasurer of state, who shall deduct the same from the salary of such county attorney and forward the same to such county treasurer.

SEC. 21. He is under the same restrictions as to fees, and the same obligations as to witnesses as are imposed on the attorney general, by sections sixty-one and sixty-five of chapter seventy-nine.

SEC. 22. The county attorney of the county of Cumberland may appoint an assistant, to be approved by the justice of the superior court for said county. Said assistant shall take the oath prescribed for county attorneys; and assist the county attorney in the ordinary duties of his office, in the drawing of indictments, in the hearing of complaints before the grand jury, and in the preparation and trial of criminal causes. He shall, when directed by the county attorney, act as counsel for the state in the trial of complaints, before judges of municipal and police courts and trial justices.

Note. County attorneys to enforce compliance with order of railroad commissioners to make repairs, c. 51, § 55; to have notice of investigation of railroad accidents resulting fatally, c. 52, §§ 65, 67.

Duties as to delinquent fines, forfeitures and costs in criminal cases, c. 137, §§ 16, 17.

ATTORNEYS AT LAW.

Attorneys,
residents of
other states
or foreign
countries,
may be
admitted to
practice in
courts of
this state.
1899, c. 133, § 1.

—procedure.

Qualifications
necessary to
be admitted to
practice law.
1899, c. 133, § 2.

—no person
shall be
entitled to
practice until
licensed.

—sex no bar
to admission.
1899, c. 98.

Appointment
of commis-
sioners for
examination

SEC. 23. Practicing attorneys, residents of other states and territories, or from foreign countries, may be admitted on motion to try cases in any of the courts of this state by such courts, but shall not be admitted to the general practice of law in this state without complying with the provisions of the following section; *provided*, that where any applicant, residing within or without the state, who has been a member of the bar of another state, in good standing and in active practice, for at least three years, shall furnish the supreme judicial court a certificate of admission to practice in the court of last resort of such state, or a certificate of admission to any circuit court of the United States, together with the recommendation of one of the judges of the court of last resort of such state, said supreme judicial court may in its discretion, if satisfied as to his qualifications, admit such person to practice on motion made by some member of the bar of said court.

SEC. 24. Every other person who shall be of full age, a resident and a citizen of the United States and of a good moral character, may be admitted to practice as an attorney and counselor at law, and solicitor and counselor in chancery, in all the courts of record of this state on motion made in open court, but the applicant shall first produce the certificate hereinafter provided for from the board of examiners, that he possesses sufficient learning in the law, and moral character and ability to enable him to properly practice as an attorney and counselor at law and solicitor and counselor in chancery in the courts of this state. No person shall be entitled to practice as an attorney and counselor at law and solicitor and counselor in chancery in this state until he shall be licensed so to do by said courts. No person shall be denied admission or license to practice as an attorney at law on account of sex.

SEC. 25. The board of examiners, for the examination of applicants for admission to the bar, shall be composed of five competent lawyers of the state; one member of said board shall be appointed annually by the

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governor on the recommendation of the chief justice of the supreme judicial court and shall hold office for the term of five years beginning on the first day of September of each year. Vacancies occurring from death, resignation, removal or inability to act, shall be filled in like manner for the unexpired term. Such board shall hold at least two sessions annually at such times and places in the state as the supreme judicial court shall direct, for the purpose of examining all applicants for admission to the bar, as to their legal learning and general qualifications to practice in the several courts of the state as attorneys and counselors at law and solicitors and counselors in chancery and, upon such examination being had, the board shall issue to such applicants as shall pass the required examination a certificate of qualification stating the standing of the applicants and recommending their admission to the bar. Such board shall elect from their number a secretary and a treasurer and shall make such rules and regulations relative to said examination as to them may seem proper. The president of said board shall be the member whose term of office soonest expires. Three members of said board shall constitute a quorum for the transaction of business.

SEC. 26. The residences and names of the applicants shall be made to appear to said board and satisfactory evidence shall also be produced by said applicants of their good moral character and of their having pursued the study of the law in the office of some attorney or in some recognized law school or university for at least three years prior to such examination; and a fee to be fixed by said board of not more than twenty dollars shall accompany the application. The applicant shall be required to submit to a written examination which shall be prepared by said board, also to an oral examination by the board, if deemed necessary, and shall be required to answer correctly a minimum of seventy per cent of the questions given him to entitle him to the certificate of the board. The board shall, however, have power to establish such higher grades of standing as to them may seem proper.

SEC. 27. The examination papers shall be kept on file in the office of the secretary of the board, and a record kept of each application, the name of the applicant, and his qualifications and general standing as ascertained by such examination, and the secretary of the board shall furnish each applicant with a card, showing the proficiency he has attained in each branch or subject upon which he has been examined, whether a certificate is issued or not. Any applicant failing to pass the examination may again apply after six months, by showing to the board that he has diligently pursued the study of the law six months prior to the examination; if such second application is within one year after his first examination, he shall not be required to pay an extra fee for the second examination.

SEC. 28. The board of examiners shall receive as compensation for their services five dollars a day for the time actually spent, and the necessary expenses incurred in the discharge of their duties, to be certified by the clerk or one of the justices of the supreme judicial court; *provided, however,* that all compensation for services and expenses shall not exceed the amounts received as fees from applicants.

SEC. 29. On the first Tuesday in January of each year said board shall apportion any sum of money in the hands of their treasurer, received for fees, in excess of the expenses of said board during the preceding year, among the treasurers of the several counties in the state, for the use of the law libraries in said counties. There shall be paid to the treasurer of each county a sum of money proportioned to the number of students examined

of applicants.
1899, c. 133, § 3.

—tenure.

—meetings.
1903, c. 146, § 1.

—examinations.

—secretary
and treasurer.

—president.

—quorum.

Applicants
shall be of
good moral
character,
and produce
evidence of
having
studied law
at least
three years.
1899, c. 133, § 4.
1903, c. 146, § 2.

—examina-
tion shall
be written.

—grade of
standing.

Examination
papers shall
be kept on
file with
record of
qualifications
of applicant.
1899, c. 133, § 5.
1903, c. 146, § 3.

—applicant
failing to
pass, may
be examined
again after
six months.

Compensation
of board.
1899, c. 133, § 6.
1903, c. 146, § 4.

How fees
shall be
disposed of.
1899, c. 133, § 7.

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from said county as compared with the whole number examined in the state.

Attorney's
oath.
R. S., c. 79, § 25.
See c. 123, § 12.
64 Me., 145, 150.

—form of
oath.

SEC. 30. Upon admission to the bar, every applicant shall, in open court, take and subscribe an oath to support the constitution of the United States, and also take the following oath:

"You solemnly swear, that you will do no falsehood, nor consent to the doing of any in court, and that if you know of an intention to commit any, you will give knowledge thereof to the justices of the court or 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; that you will delay no man for lucre or malice, but 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 to your clients. So help you God."

Person not
admitted,
cannot
recover pay
for services.
R. S., c. 79, § 26.
63 Me., 183.

SEC. 31. 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 and oaths aforesaid, is entitled to demand or recover any remuneration for his professional services rendered in this state.

SUMMARY PROCEEDINGS FOR PAYMENT OF MONEY COLLECTED.

Summary
proceedings
against
attorney fail-
ing to pay
money
collected.
R. S., c. 79, § 27.
1903, c. 16.

SEC. 32. If an attorney at law receives money or any valuable thing on a claim left with him for collection or settlement, and fails to account for and pay over the same to the claimant for ten days after demand, he is guilty of a breach of duty as an attorney; and such claimant may file in the office of the clerk of the supreme judicial court in the county where such attorney resides, a motion in writing, under oath, setting forth the facts; and thereupon any justice of the supreme judicial court in term time or in vacation shall issue a rule, requiring the attorney to appear on a day fixed and show cause why he should not so account and pay, and to abide the order of such justice in the premises; which shall be served by copy in hand at least five days before the return day.

Procedure.
R. S., c. 79, § 28.
1903, c. 16.

SEC. 33. If he then appears, he shall file an answer to such motion, under oath, and such justice may examine the parties and other evidence pertinent thereto. If he does not appear and answer, the facts set forth in the motion shall be taken as confessed; and in either case such justice shall render such decree as equity requires.

Exceptions.
R. S., c. 79, § 29.
1903, c. 16.

SEC. 34. Either party may allege exceptions to any ruling or decree of such justice; and they shall be allowed unless deemed frivolous.

Not perform-
ing decree,
shall be
imprisoned.
R. S., c. 79, § 30.
1903, c. 16.

SEC. 35. If the attorney does not perform the decree of such justice, he shall be committed for contempt until he does, or is otherwise lawfully discharged; and his name shall be struck from the roll of attorneys.

Claimant
may sue at
common law;
debtor shall
not cite to
disclose
until in jail
ninety days.
R. S., c. 79, § 31.

SEC. 36. The claimant may have his suit at common law against such attorney before filing such motion, or after an adverse decision thereon; and if judgment is recovered against the attorney in either mode, the fact shall be noted on the margin of the execution issued thereon; and when the debtor is arrested thereon, he shall be committed to jail, and no citation to disclose shall be issued until he has been there for ninety days.

REMOVAL OF UNWORTHY ATTORNEYS.

Information
may be filed
by attorney
general or

SEC. 37. Whenever an information is filed in the clerk's office of the supreme judicial court in any county, by the attorney general, or by a committee of the bar of such county, charging that an attorney at law

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has become and is disqualified for the office of attorney and counselor at law, for reasons specified in the information, any justice of said court, in term time or in vacation, may, in the name of the state, issue a rule requiring the attorney informed against, to appear on a day fixed, to show cause why his name should not be struck from the roll of attorneys, which rule, with an attested copy of the information, shall be served upon such attorney in such manner as the justice directs, at least fourteen days before the return day, and shall be made returnable, either in the county where such attorney resides or where it is charged that the misconduct was committed.

committee of bar against any attorney. R. S., c. 79, §32.

—rule to show cause.

—service.

—where returnable. 64 Me., 146.

SEC. 38. If the attorney on whom such service has been made, on or before said return day, files in the clerk's office of said court in said county of return, a denial of the charges specified in the information, the information shall thereupon stand upon the docket of said court, for hearing at the next term thereof in said county, by the justice presiding, upon such lawful evidence as may be produced either by the state or by the respondent.

Attorney filing denial of charges, information shall stand upon docket for hearing at next term. R. S., c. 79, §33. —evidence.

SEC. 39. If such attorney fails to file his denial as aforesaid, the facts set forth in the information shall be taken as confessed, and if the justice presiding finds that the facts so confessed are sufficient to disqualify the respondent from holding the office of attorney and counselor at law, or if, in case of denial, the justice upon hearing finds that any of the charges specified are true and that the acts proved are sufficient to disqualify the respondent as aforesaid, he shall give judgment accordingly, and shall enter a decree that the respondent be removed from the office of attorney and counselor at law in all the courts of the state and that his name be struck from the roll of attorneys.

Attorney failing to file his denial, facts taken as confessed. R. S., c. 79, §34.

—if acts confessed or proved are sufficient to disqualify, name struck from rolls. 64 Me., 145.

SEC. 40. The judgment of such justice shall be final unless the respondent within one week, and before the adjournment of said term, files his appeal therefrom to the law court by entering his claim therefor upon the docket.

Judgment is final unless appealed from. R. S., c. 79, §35.

SEC. 41. Such appeal shall be heard upon printed copies of the case furnished by the respondent at the next law term. If the case is not argued, it shall be decided upon the record, and if the respondent fails to enter his appeal with the printed copies of the case during the first three days of said law term, the counsel for the prosecution shall enter the appeal with an attested copy of the judgment and decree, whereupon the same shall be affirmed by the law court.

Appeal, how to be heard. R. S., c. 79, §36. See c. 79, §37.

—respondent, failing to enter appeal, counsel for prosecution shall enter it.

SEC. 42. The prosecution shall be conducted by the county attorney for the county where the rule is returnable, unless the justice issuing the rule appoints some other suitable counsel to perform said duty. Compulsory process shall issue to compel the attendance of witnesses, and in case of decree of removal, judgment shall be rendered in behalf of the state against the respondent for full costs to be taxed by the court.

Who shall conduct prosecution. R. S., c. 79, §37.

—witnesses.

—judgment.

—costs.

SEC. 43. The six preceding sections do not annul or restrict any authority hitherto possessed or exercised by the courts over attorneys.

Construction of foregoing. R. S., c. 79, §38.

SEC. 44. If any person who has not been admitted to practice law in this state, or whose name has been struck from the roll of attorneys, advertises as, or represents himself to be an attorney or counselor at law, he shall be fined not exceeding five hundred dollars, or imprisoned not more than three months.

Penalty for falsely advertising or representing himself to be an attorney or counselor. R. S., c. 79, §39.

SEC. 45. Parties may plead and manage their own causes in court or do so by the aid of such counsel, not exceeding two on a side, as they see

Parties may manage their own causes,

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or employ
two counsel,
or any moral
person by
power of
attorney.
R. S., c. 79, § 40.
33 Me., 358.
35 Me., 329.
72 Me., 411.

fit to employ; or by any citizen of good moral character who produces in court a letter of attorney for that purpose; but no person whose name has been struck from the roll of attorneys for misconduct shall plead or manage causes in court under a power of attorney for any other party, or be eligible for appointment as a trial justice, or justice of the peace.

CHAPTER 82.

SHERIFFS AND THEIR DEPUTIES. JAILS, CORONERS AND CONSTABLES.

SHERIFFS AND THEIR DEPUTIES.

Sheriffs;
election, ap-
pointment of.
R. S., c. 80, § 1.
[See Consti-
tution,
Art. ix., § 10.]
See c. 6, § 59;
c. 80, §§ 1-4.

SEC. 1. Sheriffs shall be elected or appointed and shall hold their offices, according to the constitution, and their election shall be effected and determined as is provided respecting county commissioners, and they shall enter upon the discharge of official duty on the first day of January following. Every person elected or appointed sheriff for either of the counties of York, Cumberland, Kennebec or Penobscot, before receiving his commission, shall give bond to the treasurer of state, with at least three sufficient sureties, in the sum of forty thousand dollars; and 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.

—bond.
11 Me., 245.
64 Me., 197.

Bond must be
approved by
county com-
missioners,
and filed with
treasurer.
R. S., c. 80, § 2.
1899, c. 72.

SEC. 2. Every sheriff, having executed such bond, 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 the bond has been 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.

Sufficiency
of bonds shall
be examined
annually.
R. S., c. 80, § 3.
See c. 81, § 18.

SEC. 3. County commissioners, 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 of 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
must 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.
R. S., c. 80, § 5.

SEC. 5. Any sheriff, for each month's neglect to give the security required in sections one or four, forfeits one hundred and fifty dollars to 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 courts 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.

—office
vacant, if
neglect is
continued.

In what
cases,
governor
may require

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 sure-