

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.

CHAP. 82.

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.

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.

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

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.

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

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.

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

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.

Forfeiture
for neglect
to give bond.
R. S., c. 80, § 5.

—office
vacant, if
neglect is
continued.

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-

In what
cases,
governor
may require

ties, 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.

SEC. 7. When a surety on the official bond of a sheriff, or his heirs, executors or administrators, petition 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 are not liable for any neglect or misdoings thereafter.

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. Their appointment and discharge shall be in writing, signed by him, and recorded in the office of the clerk of courts in his county, and are not valid until so lodged and recorded, except by operation of law or by vacancy in the office of sheriff. He shall also furnish to the clerk of courts in each county, the names of the deputies by him appointed from time to time, with the residence and post office address of each. (a)

SEC. 9. Sheriffs shall obey all such orders relating to the enforcement of the laws as they from time to time receive from the governor. (b)

SEC. 10. 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 service 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, he shall put it into some post office within twenty-four hours, directed to the person sending it; otherwise he waives his right to his fees before service.

SEC. 11. Any writ or precept in which the deputy of a sheriff is a party may be served by any other deputy of the same sheriff.

SEC. 12. Sheriffs and their deputies have the same authority, and their 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.

SEC. 13. Actions for the neglect or misdoings of a sheriff or his deputies survive the sheriff, and may be brought against his executors or administrators.

SEC. 14. 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 is liable for costs. If judg-

(a) 18 Me., 63, 279; 19 Me., 439; 23 Me., 327; 25 Me., 312; 29 Me., 74; 31 Me., 165; 33 Me., 424; 36 Me., 544; 51 Me., 550; 64 Me., 197; 71 Me., 416.

(b) Have powers of inland fish and game wardens, c. 32, § 51. See c. 29, § 69; 67 Me., 375.

new bond.
R. S., c. 80, § 6.

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

Shall notify
coroners;
may appoint
deputies, and
must furnish
clerk of each
county a list
thereof.
R. S., c. 80, § 8.

See c. 117, § 4.

Obey orders
of governor.
R. S., c. 80, § 9.

Duty of sher-
iff and depu-
ties to serve
precepts;
their fees
must be paid
or secured.
R. S., c. 80, § 10.
1 Me., 363.
42 Me., 426.
54 Me., 205.

Service upon
deputy.
R. S., c. 80, § 11.
75 Me., 296.

Duty of
sheriffs and
deputies in
serving proc-
esses, on va-
cating office.
R. S., c. 80, § 12.
55 Me., 548.

Actions sur-
vive against
them.
R. S., c. 80, § 13.

Person
injured by
misdoings of
sheriff, may
sue his bond,
at his own
expense;
writ must be
indorsed;
costs.
R. S., c. 80, § 14.

CHAP. 82.

—judgment.
46 Me., 498.
49 Me., 177.
51 Me., 515, 547.
56 Me., 216.

Actions on
sheriff's bond,
proceedings.
R. S., c. 80, § 15.

Service;
right of
person filing
declaration:
defendant
shall answer.
R. S., c. 80, § 16.

Damages
assessed on
rendition of
judgment.
R. S., c. 80, § 17.

—execution,
how to issue.
—costs.

Any person
is entitled to
a copy of the
bond; unless
execution is
disputed, it
is evidence.
R. S., c. 80, § 18.

Sheriff not
liable to ar-
rest in civil
action; exe-
cutions issue
against his
property;
but he may
disclose,
failing to pay
or disclose,
he vacates
his office.
R. S., c. 80, § 19.

—alias execu-
tion against
his body in
such case.

Fees of
sheriff from
deputies.
R. S., c. 80, § 20.

ment 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 whom 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 whom the suit was brought.

SEC. 15. 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 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 indorsed by the name and place of residence of such other person, or his attorney; and such indorser is liable for costs like indorsers of writs.

SEC. 16. 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 has 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 were filed in an action originally instituted for the same cause.

SEC. 17. 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 for costs shall issue against the party filing it. No such action shall be dismissed, discontinued or nonsuited, except by order of court, without the consent of all parties interested as plaintiffs.

SEC. 18. 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.

SEC. 19. No sheriff shall be arrested upon any writ or execution in a 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 for poor debtors arrested upon execution; and if the execution is returned unsatisfied, and he has not 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 first copy was filed; and if such sheriff does not, within forty days after such service, pay the creditor his full debt with reasonable costs for copies and service thereof, he thereby vacates his office. But when he ceases to be sheriff, the clerk may issue alias executions against his property and body, as in other cases.

SEC. 20. No sheriff shall receive from his deputies any portion of the fees for levying and collecting executions issued by a trial justice, 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 percentage on any items, except travel and service, notwithstanding his bond otherwise provides.

CHAP. 82.

SEC. 21. The sheriffs of the counties of Aroostook, Franklin, Kennebec, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Waldo and Washington shall not receive from any of their deputies any of the fees earned by said deputies or any percentage thereon; and the sheriffs of the counties of Oxford and Franklin shall not receive any per diem or other compensation for their attendance on the supreme judicial court.

Sheriffs in certain counties not to receive fees from deputies.
(a)

SEC. 22. Each deputy sheriff in the counties of Androscoggin, Cumberland, Hancock, Knox, Somerset and York shall keep a true account, with the items of all fees for travel and service, and other emoluments accruing to him by virtue of his office, and by the twenty-first day of December annually, return, under oath, to the sheriff, a true copy of such account up to December first.

Deputies to keep account of fees, and return to sheriff.
R. S., c. 80, § 21.

SEC. 23. Each sheriff of the counties named in the preceding section by the thirtieth 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 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, § 22.

SEC. 24. The sheriffs of the counties of York and Cumberland are allowed seven hundred dollars each; of Somerset, five hundred dollars; of Androscoggin, Hancock and Knox four hundred dollars each.

Allowances to certain sheriffs.
R. S., c. 80, § 23.

SEC. 25. The sheriff of the county of Androscoggin shall receive a salary of two thousand five hundred dollars a year, and the sheriff of the county of Cumberland shall receive a salary of three thousand five hundred dollars a year, together with the free rental of the house or living apartments connected with the county jail in each county, including the stables, and including necessary light and fuel. Said salaries shall be paid from the county treasuries in equal quarterly payments on the first days of January, April, July and October of each year, and shall be in full compensation for services in attendance upon the supreme judicial court in said county of Androscoggin, and upon the supreme judicial and superior courts in said county of Cumberland, as jailer, master or keeper of the county jails in said counties, for receiving and committing prisoners therein, and for the service of all criminal processes and the performance of all duties relating to the enforcement of all criminal laws. Such necessary, incidental expenses as are just and proper, incurred in the performance of their public duties, shall be allowed by the respective boards of county commissioners of said counties, and paid from the county treasury.

Salaries of sheriffs of Androscoggin, 1901, c. 269, § 1; Cumberland, 1901, c. 224, § 1.

—incidental expenses may be allowed.

SEC. 26. All fees chargeable under the statutes of the state for the performance of any of the duties prescribed in the preceding section, except for the board of prisoners, shall be charged and collected by said sheriffs as now provided by law, and an accurate account thereof, and of those specified in the following section, kept and transmitted to the county treasurer on the last days of March, June, September and December annually, and the amount deducted from the quarter's salary for the quarter then ending. If such fees are in excess of the amount of salary then due the sheriff, he shall pay said excess to the county treasurer. And no county treasurer shall pay any quarter's salary until said statement shall have been filed.

Legal fees shall be collected and accurate account transmitted to county treasurer.
1901, c. 269, § 2.
1901, c. 224, § 2.

—excess of salary due shall be paid to county treasurer.

(a) 1889, c. 304; 1897, c. 238; 1901, c. 193, § 1; 1891, c. 15; 1901, c. 152; 1901, c. 231; 1901, c. 143; 1901, c. 232, § 1; 1899, c. 49; 1891, c. 7.

CHAP. 82.

Fees collected from other counties, etc., shall be disposed of as in section 26. 1901, c. 269, § 3. 1901, c. 224, § 3. See c. 117, § 9.

Special deputies shall be appointed to enforce liquor law. 1901, c. 224, § 6. —compensation. See c. 29, § 69.

Fees of sheriff and deputies for enforcement of liquor law shall be charged up to county. 1901, c. 224, § 7.

An itemized account of fees shall be rendered and paid to the county. 1901, c. 224, § 8.

Restrictions upon payment of compensation for enforcement of liquor law. 1901, c. 224, § 9.

Salaries of sheriffs of Kennebec, 1901, c. 193, § 1; Sagadahoc, 1901, c. 232, § 1.

Fees shall be deducted from salary. 1901, c. 193, § 2. 1901, c. 232, § 2.

SEC. 27. For all prisoners committed from other counties or from any court of the United States, and for all other persons confined for debt and on other civil processes, the said sheriffs shall collect the same fees for their entire support as are now provided by law, or may be fixed by the county commissioners under the authority vested in them by statute and include the same in the statement provided for in the preceding section, and the same shall be deducted from the salary as herein prescribed. They shall not make any charge or collect any fees for the support of prisoners committed on criminal process from any court in the county in which said jail is situated.

SEC. 28. The sheriff of Cumberland county shall appoint three deputy sheriffs, who shall serve at the pleasure of said sheriff, and whose special duty shall be to enforce the provisions of chapter twenty-nine, in said county, and who shall receive as compensation therefor, the sum of three dollars a day, to be paid from the county treasury, together with such incidental expenses as may be necessary for the proper enforcement of said chapter; bills for which shall be audited as provided in section one, chapter one hundred and thirty-seven.

SEC. 29. The sheriff of said county, and his deputies appointed under the provisions of the preceding section, shall receive no fees for said service except as herein provided, but shall charge up all fees now allowed to sheriffs and their deputies for the enforcement of the provisions of said chapter twenty-nine, to the county of Cumberland and account for them as provided in the following section.

SEC. 30. The sheriff of Cumberland county, on the last secular days of June and December of each year, shall render to the treasurer of said county an itemized account of all fees charged up to said county by him, and by his deputies appointed as herein provided, for the enforcement of the provisions of said chapter twenty-nine, in said county, which said fees shall revert to the county of Cumberland.

SEC. 31. No deputy sheriff, unless appointed under the provisions of section twenty-eight, shall receive any compensation for the enforcement of the provisions of said chapter twenty-nine, in the city of Portland, unless such compensation shall be allowed by the county commissioners of said county.

SEC. 32. The sheriff of the county of Kennebec shall receive a salary of twenty-five hundred dollars a year, and the sheriff of the county of Sagadahoc shall receive a salary of twelve hundred dollars a year. Said salaries shall be paid from the county treasuries in equal quarterly payments on the last days of March, June, September and December of each year and shall be in full compensation for services in attendance upon the supreme judicial and superior courts in said county of Kennebec, and upon the supreme judicial court in said county of Sagadahoc, as jailer, master or keeper of the county jails in said counties, for receiving and committing prisoners therein and to whatever jails said county of Sagadahoc may legally contract with the proper authorities for receiving prisoners, and for the service of all criminal processes and performance of all duties relating to the enforcement of all criminal laws.

SEC. 33. All fees chargeable under the statutes of this state for the performance of any of the duties prescribed in the preceding section, shall be charged and collected by said sheriffs as now provided by law, an accurate account thereof kept and transmitted to the county treasurer of the respective counties on the last days of March, June, September and December annually and the amount deducted from the quarter's salary

for the quarter then ending, and the county treasurer shall not pay any quarter's salary until said statement shall have been filed.

SEC. 34. The sheriffs of the counties of Aroostook, Franklin, Lincoln, Oxford, Piscataquis and Washington shall receive, in quarterly payments, from the treasuries of their counties on the first days of January, April, July and October, annual salaries as follows:

Aroostook, five hundred dollars;

Franklin, three hundred dollars;

Lincoln, five hundred dollars, which shall be in full compensation for all services as sheriff, excepting fees for attending courts and for service of precepts in civil actions.

Oxford, three hundred dollars;

Piscataquis, three hundred and fifty dollars;

Washington, five hundred dollars.

The sheriff of the county of Waldo shall receive an annual salary of four hundred dollars from the county treasury; *provided, however*, that said sheriff on the first day of January annually shall state a true account of the amount accruing to him for board of prisoners under his care during the preceding year, and make a true return thereof under oath to the treasurer of said county, and when the sum so accruing to him in any year for such board of prisoners shall exceed the sum of twelve hundred dollars then he shall not receive any part of said salary for such year.

Salaries of the sheriffs:

Aroostook, 1903, c. 67.

Franklin, 1897, c. 238;

Lincoln, 1901, c. 280;

Oxford, 1901, c. 152;

Piscataquis, 1901, c. 143;

Washington, 1891, c. 7.

Waldo, 1899, c. 49.

JAILS AND JAILERS.

SEC. 35. The sheriff has the custody and charge of the jail in his county, and of all prisoners therein, and shall keep it himself, or by his deputy, as jailer, master or keeper, for whom he is responsible. The jailer, master or keeper shall appoint all subordinate assistants and employees for whom he is responsible, and the pay of whom, including the jailer, shall be fixed by the county commissioners, and paid by their several counties, except when otherwise provided by law.

Sheriff has custody of jail and prisoners, and is answerable for jailer. R. S., c. 80, § 24. —may appoint assistants. See §§ 25, 32.

SEC. 36. When a vacancy occurs in the office of sheriff, the jailer lawfully acting, continues in office, and shall retain charge of the jail, and of all prisoners therein, or committed thereto, and his official neglects and misdoings are 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 may 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 shall continue; unless governor appoints a jailer. R. S., c. 80, § 25.

SEC. 37. 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 are vacant, county commissioners may appoint. R. S., c. 80, § 26.

SEC. 38. 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 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.

Jail must be kept clean and healthy. R. S., c. 80, § 27. See c. 141, § 12.

SEC. 39. Every keeper of a jail shall reside constantly, with his family, if he has any, in the house provided for him, if in the opinion of the county commissioners it is good and sufficient; and if he neglects so to do, he forfeits not exceeding three hundred dollars, to be recovered for the county by indictment.

Jailer must live in jail, if suitable. R. S., c. 80, § 28. —forfeiture for neglect.

CHAP. 82.

Sheriff or jailer may make contracts with work, with consent of commissioners.
R. S., c. 80, § 29.
See c. 141, § 42.

Jailer shall furnish a Bible and other books and instruction to prisoners.
R. S., c. 80, § 30.

Pay for labor of prisoners, before sentence.
R. S., c. 80, § 31.
See c. 80, §§ 12, 13.

Sheriff of Androscoggin shall provide food for prisoners.
1901, c. 269, § 4.

—all bills shall be audited by county commissioners.

County commissioners of Cumberland shall procure all necessary supplies.
1901, c. 224, § 4.

—food for prisoners shall be prepared at expense of the county.

—county commissioners may prescribe rations, etc.

—how bills shall be audited.

Commissioners may annually advertise for proposals for supplies.
1901, c. 224, § 5.

SEC. 40. The sheriff, by himself or his deputy, keeping the jail, with the consent of the commissioners, may in behalf of his county make necessary and proper contracts, for the carrying on of manufacturing or other industries, with like effect as when made by the commissioners. The business shall at all times be open to the inspection of said commissioners, who shall examine the workings of their several jails at least once in every three months, audit all receipts and expenses thereof, and order all payments necessary from their several county treasuries.

SEC. 41. The jailer, at the expense of the county, shall furnish to each prisoner who is able to read, a copy of the Bible, and to all, on Sundays, such religious instruction as he may be able to obtain without expense, and to such as may be benefited thereby, instruction in reading, writing and arithmetic one hour every evening, except on Sunday. It shall be his further duty to receive for their use, from whatever source, by loan or contribution, any books or literature of a moral or religious tone, and to exclude those of opposite tendencies.

SEC. 42. Any person charged with crime, or awaiting sentence, who, while confined in any jail where provision for labor has been made, chooses to labor, as provided for persons under sentence, shall receive therefor such sum as, in the judgment of the commissioners of said county, he has earned.

SEC. 43. The sheriff of the county of Androscoggin shall procure all necessary food and provisions for the support of the prisoners confined in the jail in said county; employ a suitable person or persons to prepare the food for the prisoners and to serve the same at the expense of the county. All bills for such food and provisions and for the preparation and service of the same shall be audited and allowed by the county commissioners and paid from the county treasury monthly. Said sheriff shall from time to time consult with the county commissioners as to the quantity, kinds and quality of foods and provisions necessary and proper to be procured.

SEC. 44. The county commissioners of the county of Cumberland shall, without extra charge or commission to themselves or to any other person, procure all necessary supplies, including necessary food, fuel, bedding and clothing, for the jail and the prisoners therein, in said county, to be furnished and purchased under their direction and at the expense of the county. A suitable person shall be employed to prepare the food of the prisoners, at the expense of the county; and the service of the food to the prisoners shall be under the general direction of the jailer, master or keeper. The person employed to prepare the food of the prisoners shall be appointed by the sheriff, subject to the approval of the county commissioners. The county commissioners shall have authority at any time to direct specific rations, or articles of food, clothing, soap, fuel or other necessaries, to be furnished and served to the prisoners. The bills and accounts for supplies furnished, and the items of expenses incurred in preparing and serving the same, shall be audited quarterly by some competent person appointed by the judge of the superior court of the county of Cumberland, and be paid by the county treasurer. For services in auditing said accounts, said judge shall allow a reasonable compensation to be paid from the county treasury.

SEC. 45. The county commissioners of the county of Cumberland may each year, as soon after the first day of January as may be, make an estimate of the amount of food, fuel, clothing and supplies as far as practicable, which will be required by the county jail and for the support of the prisoners therein for the current year, and advertise for sealed proposals for furnish-

ing the same according to specifications furnished by them, in the daily papers of the city of Portland, three days successively, at least fourteen days before the time limited for the reception of such proposals, at which time they shall examine all such proposals and award the contract to the lowest responsible bidder; and the county commissioners shall procure such other necessary supplies and articles for the foregoing purposes as may not be furnished by contract, and account for the same in the manner provided for in the preceding section.

—award contract to lowest bidder.

SEC. 46. The keeper of each jail shall keep a record of the conduct of each convict, and for every month during which it thereby appears that he has faithfully observed all the rules and requirements of the prison, he is entitled to a deduction from his sentence according to and not exceeding the following rate and proportion: for a convict under sentence for six months and less than one year, two days for each month of good conduct; for one year and over, three days a month; and for every day that any convict is punished for disobedience of said rules, a record thereof shall be made, and two days deducted therefor from any commutations to which he is entitled. Whenever a convict, at the expiration of his sentence, is sick and unable to be removed from jail, he shall be cared for by the jailer, at the expense of the county, until the county commissioners deem it safe for him to be removed.

Deduction from sentence for good conduct. R. S., c. 80, § 32. 71 Me., 241.
—rate and proportion.

SEC. 47. Every sheriff shall keep, in a suitable bound book, a true and exact calendar, containing; distinctly and fairly registered, the names of all prisoners 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 offenses; 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.

—care of convicts, sick at expiration of sentence. 1897, c. 241.

Sheriff to keep record of persons committed. R. S., c. 80, § 33. 92 Me., 250.

SEC. 48. Every jailer, at the opening of every criminal term of the supreme judicial or superior court for his county, shall return a list of prisoners in his custody, and afterwards a list 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.

Jailer to return list of prisoners at each criminal session of court. R. S., c. 80, § 34. 71 Me., 407.

—penalty.

SEC. 49. All warrants, mittimusés, processes and other official papers, by which any prisoner is committed or liberated, or attested copies thereof, 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, they shall be, by the sheriff, or his personal representative, delivered to his successor, on penalty of forfeiting two hundred dollars to the county.

Official papers, to be filed and kept with calendar, and delivered to successor. R. S., c. 80, § 35. 71 Me., 407.
—penalty.

SEC. 50. Every sheriff is answerable for the delivery 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.

Sheriff is answerable for delivery of prisoners to successor. R. S., c. 80, § 36.

SEC. 51. Whenever complaint on oath is made to a judge of the supreme judicial court that any jail is unfit for occupation, or is insufficient for the secure keeping of any person charged with crime and committed to await trial or under sentence, he shall cause not less than three days' notice of such complaint to be given to the jailer or sheriff of the county, to appear at the time and place fixed in such notice, and if on examination the matter complained of, is found true, he may issue his warrant for the transfer of such prisoner at the expense of said county, to any jail where he may be more securely kept. And if by fire or other casualty any jail is

Any judge of the supreme court may order transfer of a prisoner when he deems the jail unfit or insecure. R. S., c. 80, § 37. 1887, c. 54.

CHAP. 82.

destroyed or rendered unfit for use, any judge of the supreme judicial court may, upon being notified by the county attorney of the county where such jail was or is located, issue his order to the sheriff and his deputies and constables of said county to cause all prisoners who might be liable to imprisonment in said county, to be imprisoned in the jail of some adjoining county, said order to be printed in the newspapers of said county.

Liability of sheriff for escape of prisoners.
R. S., c. 80, § 38.
71 Me., 578.

SEC. 52. When a prisoner escapes through the insufficiency of the jail, or the negligence of the sheriff or jailer, the sheriff is chargeable to the creditor, or other person at whose suit he was committed, or to whose use any forfeiture was adjudged against such prisoner.

If escape happens through insufficiency of jail, sum paid, reimbursed; proceedings.
R. S., c. 80, § 39.

SEC. 53. When such escape happens through the insufficiency of the jail, the county commissioners may order the county treasurer to pay to 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.

Agent to defend county may be appointed by commissioners.
R. S., c. 80, § 40.

SEC. 54. 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 has his remedy against the county to recover the amount so levied.

—execution, how levied.

Treatment of prisoners for debt, and minors.
R. S., c. 80, § 41.

SEC. 55. Every prison keeper shall keep prisoners committed for debt, separate from prisoners charged with felony or infamous crimes; and shall keep 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, so far as the construction or state of the prison admits.

Penalty for violation of preceding section, or for furnishing intoxicating liquor to prisoners.
R. S., c. 80, § 42.
See c. 29, § 46.

SEC. 56. If any prison keeper violates the preceding section, or voluntarily or negligently suffers any prisoner in his custody, charged with or convicted of any offense, to have any intoxicating liquor, 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 forfeits in each case, for the first offense, twenty-five dollars, and for the second, fifty dollars, to be recovered for the county by indictment, or by any person suing therefor, to his own use; and shall be removed from office, and shall be incapable of holding the office of sheriff, deputy sheriff or jailer, for five years.

Liability of keeper and sheriff, if prisoner escapes.
R. S., c. 80, § 43.
See c. 123, § 15.

SEC. 57. If any prison keeper, through negligence, suffers a prisoner charged with an offense to escape, he shall be fined according to the nature of the offense charged against the escaped prisoner; but if a person committed for debt escapes from prison, and the sheriff or jail keeper, within three months thereafter, returns him thereto, the sheriff is liable only for the costs of any action commenced against him therefor.

Jailers to receive United States prisoners.
R. S., c. 80, § 44.

SEC. 58. The keepers of the several jails shall receive and safely keep all prisoners committed under authority of the United States, until discharged, under the penalties provided for the safe keeping of prisoners under the laws of the state.

Disposal of body of person dying in jail.
R. S., c. 80, § 45.

SEC. 59. When a person dies in jail, the jailer or sheriff shall deliver the body to his friends, if requested; otherwise, he shall dispose of it for anatomical purposes as provided in chapter seventeen, unless the deceased

at any time requested to be buried, in which case he shall bury the body in the common burying-ground, and the expenses thereof shall be paid by the town in which he had a settlement, if he had any in the state, and if not, by the state.

SEC. 60. All fines imposed by this chapter, not otherwise appropriated, shall be applied to building and repairing the jails in the county where the offense is committed.

Fines to be applied to building and repair of jails. R. S., c. 80, § 46.

CORONERS.

SEC. 61. Every coroner shall be appointed and hold his office, as provided in the constitution, 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 said treasurer, like a sheriff's bond; 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 until the first day of their next stated session, and not afterwards, unless his bond is then approved by them.

Appointment and bond of coroners. R. S., c. 80, § 47. [See Constitution, Art. V, Part 1, § 8.] 72 Me., 556.

SEC. 62. All the provisions of sections three, four, seven and fourteen to eighteen, inclusive, 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.

Certain sections apply to coroners. R. S., c. 80, § 48.

SEC. 63. Every coroner shall serve and execute, within his county, all writs and precepts in which the sheriff thereof 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 when he is notified of the qualification of the sheriff of his county, after a vacancy.

Of coroner's powers to serve precepts. R. S., c. 80, § 49. 1 Me., 363. 21 Me., 482. 51 Me., 548. 54 Me., 205. 63 Me., 464.

CONSTABLES, AND POLICE OFFICERS.

SEC. 64. A constable may serve, execute and return, upon any person in his town, or in an adjoining plantation, any writ of forcible entry and detainer, or any precept in a personal action, when the damage claimed does not exceed one 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 that he serves before giving such bond, he forfeits not less than twenty, nor more than fifty dollars, to the prosecutor.

Constables may serve precepts. R. S., c. 80, § 50. 3 Me., 79. 11 Me., 333. 31 Me., 122, 496. 35 Me., 210. 48 Me., 255. 64 Me., 35. 68 Me., 201. 74 Me., 369. 82 Me., 97.

—to give bond.

—forfeiture for neglect.

SEC. 65. Persons injured by the neglect or misdoings of a constable have the same remedy by preliminary action, and action on his bond, as in case of a sheriff's bond. (a)

Remedy for misconduct of constable. R. S., c. 80, § 51. See § 14.

SEC. 66. The constables of the town of Bristol may serve all precepts on Muscongus and Harbor islands, in the county of Lincoln, the same as in their own town, until said islands can legally elect constables.

Constables of Bristol may serve on islands. R. S., c. 80, § 52.

(a) 14 Me., 114; 29 Me., 462.

CHAP. 82.

Powers of police.
R. S., c. 80, § 53.
See c. 4, § 95;
c. 32, § 51.

SEC. 67. Police officers, appointed in any city, have the powers of constables in all matters criminal, or relating to the by-laws of their city.

PROVISIONS RELATING TO SHERIFFS, CORONERS AND CONSTABLES.

Constables may serve warrants in any town in the county.
R. S., c. 80, § 54.
1901, c. 238.

—officers may serve certain precepts in any county.
87 Me., 215.

—commitment of persons.

—powers of constables restricted.

SEC. 68. A warrant issued by a municipal or police court or a trial justice, for an offense committed in his county, or under the laws 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 such officer arrests a person to commit to the jail of his county, he may convey him by the most convenient and suitable route, although it pass through other counties. But, except, for the purpose of retaking a prisoner whom he has arrested and who has escaped, or for the purpose of executing a mittimus given to him by such a court or trial justice, or for the purpose of pursuing a person who has gone into another town and for whose arrest such constable or marshal has a warrant, no constable of the several towns or city marshal of the several cities shall have any authority in criminal matters beyond the limits of the town or city in which he is elected or chosen.

Officers may serve precepts for work-jails in one or more counties.
R. S., c. 80, § 55.

SEC. 69. An officer of any county qualified to serve precepts in criminal cases in the county where he resides, may serve any precept required by the laws providing for work-jails, whether such service is performed in whole or in part in one or more counties, and processes shall be issued and directed accordingly.

Aid may be required by officer.
R. S., c. 80, § 56.

—penalty for refusal.

See c. 123, § 18.

SEC. 70. 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, forfeits to the county not less than three, nor more than fifty dollars; and if he does not forthwith pay such fine, the court may imprison him not exceeding thirty days.

Execution of precepts commenced, how completed when officer becomes disqualified.
R. S., c. 80, § 57.
41 Me., 342.

—returns, how made.

SEC. 71. If any officer aforesaid, who has commenced the service or execution of a precept, becomes disqualified, it may be completed, with the same legal effect, by any other qualified officer; and if any officer aforesaid has made, in fact, any service, attachment or levy, by virtue of any process placed in his hands for service, and for any cause, has not made his return thereon, such return shall be made by a sheriff, any deputy, or other proper officer, under direction of a justice of the supreme judicial court, held in the county where said writ is returnable, the facts to be set forth by said officer in said return, to be proved to the satisfaction of said justice; or if a deputy sheriff dies after he has served and returned a precept, the sheriff, if alive, and if not, any deputy in commission at the time of such service, may be allowed by the court to amend such return as the officer who made it might, but the rights of third parties shall not be affected thereby.

—may be amended.

Copy of writ to be delivered to defendant on request:

SEC. 72. 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

CHAP. 82.

attested copy thereof. And if he unreasonably refuses or neglects so to do for twenty-four hours, he forfeits five dollars, and five dollars additional for every subsequent twenty-four hours that he so refuses or neglects; to be recovered by the debtor to his own use, in an action of debt.

SEC. 73. 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. 74. No officer aforesaid shall appear before any court or justice of the peace as attorney or adviser of 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 are void; and no person employed by the keeper of a jail in any 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 are void.

SEC. 75. In actions against sheriffs, deputy sheriffs, coroners and constables, for breach of official duty, where the principal defendant is out of the state, the writ may be served on such defendant by leaving a copy of the same with each of the sureties on his official bond fourteen days before the return day thereof, and the court in the county where the writ is returnable, either before or after entry, may order further notice to the defendant by publication of an abstract of the writ and order thereon, in some newspaper published in the county where the writ is returnable, or in the state paper, or in such other manner as the court directs; and if the order is complied with and proved, the defendant shall answer to the suit, and judgment in such case has the same effect as if personal service was made upon the principal defendant.

penalty for neglect.
R. S., c. 80, § 58.

Officer to pay money collected: penalty.
R. S., c. 80, § 59.
8 Me., 133.
18 Me., 63.

No officer to be attorney or draw papers; no employe of jailer to act as magistrate or attorney.
R. S., c. 80, § 60.
67 Me., 374.

In actions against officers for breach of duty, where principal defendant is out of state, writs, how served.
R. S., c. 80, § 61.