

CHAP. 139

court within this state (a), who shall be required to issue any original or judicial writ, subpoena, summons, or other process, to be served in any other county than that in which such court shall usually hold its session, shall issue such process accordingly, directed to the sheriff, coroner, or other proper officer, of such other county to whom the same ought to be directed, and shall immediately enclose such process in a letter or cover, sealed up and addressed to the clerk of such other county, and on the back thereof shall endorse his name as clerk of the county, and shall forthwith deposit the same in the nearest post office, to be conveyed by the ensuing mail to the post office at the place in which, or nearest to which, the clerk of such other county shall reside; and in such letter or cover shall be written the usual docket-entry of such process, so as to shew the parties concerned, and the nature and purpose thereof.

(a) By 1819, ch 144, s. 3, the provisions of this act are extended to the court of chancery and the court of appeals, and to the conveyance and return of process issued therefrom.

Clerks to send to post-offices once a week

2. AND BE IT ENACTED, That it shall be the duty of the several clerks of the respective counties of this state, to attend at or send to the post-offices nearest to their residence, at least once a week, and inquire for letters and covers addressed to them; and if such letters or covers shall contain any writ or process directed to the sheriff, coroner, or other officer, of their respective counties, they shall immediately endorse the time when they received the same, and with all convenient speed deliver the same to the sheriff, or other officer, to whom the same may be directed; and shall also endorse thereon the time when the same shall be so delivered to such officer.

On receipt of process, to transmit certificate thereof, &c.

3. AND BE IT ENACTED, That it shall be the duty of every such clerk who shall receive and deliver any writ or process, in manner and form aforesaid, to transmit by the mail, and in due time before the session of the court to which such process shall be returnable, a certificate, under his hand and seal of office, setting forth the receipt of such process, (which he shall describe in the manner in which it is written in the letter or cover which contained the same) the time when he received the same, the delivery thereof to the officer to whom it was directed, and the time of such delivery; which certificate he shall seal up and address to the clerk or register of the court to which the process is made returnable, and deposit in the nearest post office, to be conveyed to such clerk accordingly, endorsing his name thereon as herein before directed; and such certificate, in all proceedings relating to the sheriff, or other officer, to whom any such writ or process was directed, shall be competent and sufficient evidence to prove the delivery of such process to such officer.

Expense of postage to be allowed by levy court

4. AND BE IT ENACTED, That the expense of postage incurred by the said respective clerk and registers, and a reasonable compensation for their services in the performance of the duties required by this act, shall be allowed to them by the levy courts of their respective counties; and the letters and covers, relating to such writs or other process, and to such certificates, shall be produced to the levy courts, and be considered by them as the evidence of such expense, and of the services necessary to have been rendered in receiving, delivering and certifying, the process which may have been contained therein.