CHAPTER III.

Of Sheriffs.

Sec. 1. The sheriff of each organized county shall be elected at the general election, for the term of two years, and shall give bond to this Territory in the penal sum of ten thousand dollars, and with sufficient sureties, not less than three in number, as the judge of the district court or the county commissioners shall approve.

Sec. 2. The condition of such bond shall be in substance as follows: "Whereas, the above bounden hath been elected to the office of sheriff of the county of , at the general election held therein, on the day of: Now therefore, the condition of the above obligation is such, that if the said shall well and faithfully in all things perform and execute the office of sheriff of said county of during his continuance in office by virtue of the said election, without fraud, deceit, or oppression, and shall pay over all moneys that may come into his hands as such sheriff, then the above obligation to be void; otherwise to be and remain in full force."

Sec. 3. Each sheriff may appoint one or more deputies, for whose official acts he shall be in all respects responsible, and may revoke such appointments at his pleasure; and persons may also be deputed by any sheriff, by an instrument in writing, to do particular acts.

Sec. 4. The sheriff of each county shall, as soon as may be, after entering upon the execution of his office, appoint some proper person under-sheriff of the same county, who shall also be a general deputy, to hold during the pleasure of such sheriff; and as often as a vacancy shall occur in the office of such under-sheriff, or he become incapable of executing the same, another shall in like manner be appointed in his place.

Sec. 5. Whenever a vacancy shall occur in the office of sheriff of any county, the under-sheriff of such county shall in all things execute the office of sheriff until a sheriff shall be elected and qualified; and any default or misfeasance in office of such under-sheriff in the meantime, as well as before, shall be deemed to be a breach of the condition of the bond given by the sheriff who appointed him, and also a breach of the condition of the bond executed by such under-sheriff to the sheriff by whom he was appointed.

Sec. 6. Every appointment of an under-sheriff, or of a deputy-sheriff, and every revocation thereof, shall be in writing under the hand of the sheriff, and shall be filed and recorded in the office of the clerk of the district court; and every such under-sheriff or deputy shall, before he enters upon the duties of his office, take the oath prescribed by law. But this section shall not extend to any person who may be deputed by any sheriff to do a particular act only.

Sec. 7. The sheriff shall have the charge and custody of the jails of his county, and of the prisoners in the same; and shall keep them himself or by his deputy or jailor, for whose acts he shall be responsible.
SEC. 8. The sheriff in person, or by his under-sheriff or deputies, shall serve or execute according to law, all process, writs, precepts, and orders issued or made by lawful authority, and to him directed.

SEC. 9. Sheriffs and their deputies may execute all such process as shall be in their hands at the expiration of the term for which such sheriffs were elected, or at the time of their removal from office; and in case of a vacancy in the office of sheriff, every deputy in office under him, having any writ or process in his hands at the time such vacancy happened, shall have the same authority, and be under the same obligation to serve and execute, and return the same, as if such sheriff had continued in office.

SEC. 10. Any default or misfeasance in office of any deputy-sheriff or jailor, after the death, resignation, or removal of any sheriff by whom he was appointed, shall be adjudged a breach of the bond of such sheriff.

SEC. 11. Any action for the malfeasance, misfeasance, or nonfeasance of a sheriff or any of his deputies, may be prosecuted against the executors or administrators of such sheriff, in like manner as if the cause of action survived at common law.

SEC. 12. No sheriff, deputy-sheriff, or coroner shall appear in any court as attorney or counsel for or on behalf of any party in a suit; nor shall he draw, make, or fill up any writ, declaration, plea, or process for any such party; nor shall he, with intent to procure himself to be employed in the collection of any demand or the service of any process, advise or counsel any person to commence any suit or proceeding; and either of said officers for a violation of any provision of this section shall forfeit the sum of fifty dollars.

SEC. 13. Any sheriff, deputy-sheriff, coroner, or constable, may require suitable aid in the service of process in civil or criminal cases, in preserving the peace, or in apprehending or securing any person for felony or breach of the peace, when such officer may have power to perform such duty; and when any such officer shall find resistance made against the execution of any process, or shall have good reason to believe that such resistance will be made, he may take the power of the county, and proceed therewith in proper person to execute such process.

SEC. 14. Whenever a sheriff shall be required by any statutory provision to perform any service in behalf of the Territory and for its benefit, which shall not be made chargeable by law to his county, or to some officer or other person, his account for such services shall be audited by the board of Territorial auditors and paid out of the Territorial treasury.

SEC. 15. It shall be the duty of the sheriff of every county to keep an office at the place where the courts for such county are held, of which he shall file a notice in the office of the clerk of the district court; and to keep the same open during the usual business hours each day, Sundays excepted.

SEC. 16. Every notice or other paper which shall be required to be served on any sheriff, may be served by leaving the same at the office designated by him in such notice, during the hours for which it is required to be kept open; but if there be any person belonging to such office therein, such
notice or paper shall be delivered to such person, and every such service shall be deemed equivalent to a personal service on such sheriff.

Sec. 17. If no notice shall be filed by any sheriff with the district clerk, as herein required, the service of all papers on such sheriff may be made by leaving them at the office of the said clerk, with such clerk or his deputy; and the same shall be deemed equivalent to a personal service on such sheriff.

Sec. 18. Every such sheriff shall be the assessor and collector of taxes for the county for which he is elected; he shall assess all the taxable property of such county agreeably to the provisions of law, and collect all taxes which he shall by law be required to collect; he shall also execute all the lawful orders, and serve all papers and notices required by law to be served by him, issued by the board of county commissioners.

Sec. 19. Whenever any new sheriff shall be elected or appointed in the place of any other, or upon the expiration of any sheriff’s office, and shall have qualified and given the security required by law, the clerk of the district court shall grant a certificate, under the seal of the district court for the county, that the person so elected has qualified and given such security.

Sec. 20. Upon the service of such certificate on the former sheriff, his powers as such sheriff, except in the cases otherwise expressly provided by law, shall cease.

Sec. 21. Within ten days after the service of such certificate upon such former sheriff, he shall deliver to his successor: 1st. The jail of the county, with all its appurtenances, and the property of the county therein. 2d. All the prisoners then confined in such jail. 3d. All process, orders, rules, commitments, and all other papers or documents in his custody, authorizing or relating to the confinement of such prisoners; and if any process shall have been returned, a statement in writing of the contents thereof, and when returned. 4th. All writs of capias and other original process, and all precepts and other documents for the summoning of a grand or petit jury, then in his hands, which shall not have been fully executed by him. 5th. All executions, attachments, and final process, then in his hands, except such as the said former sheriff shall have executed, or shall have begun to execute by the collection of money thereon, or by a levy on property in pursuance thereof.

Sec. 22. At the time of such delivery, the said former sheriff shall execute an instrument, reciting the property, process, documents, and prisoners delivered, specifying particularly the process or other authority by which each prisoner was committed and is detained, and whether the same be returned or delivered to such new sheriff; which instrument shall be delivered to such new sheriff, who shall acknowledge in writing upon a duplicate thereof, the receipt of the property, process, documents, and prisoners therein specified, and shall deliver such duplicate and acknowledgment to the said former sheriff.

Sec. 23. Notwithstanding the election of a new sheriff, the former sheriff shall return, in his own name, all writs of capias, all other original process, all attachments, and all executions which he shall have fully executed; and
shall proceed to complete the execution of all final process and attachments which he shall have begun to execute by a collection of money thereon, or by a levy on property in pursuance thereof.

SEC. 24. If any former sheriff shall neglect or refuse to deliver to his successor the jail, process, documents, and prisoners in his charge, as herein required, such successor may, notwithstanding, take possession of such jail, and take the custody of the prisoners therein confined, and may compel the delivery of such process and documents, in the manner prescribed in this code.

SEC. 25. If, at the time when any new sheriff shall have qualified and given the security required by law, the office of the former sheriff shall be executed by his under-sheriff, or by a coroner of the county, such under-sheriff or coroner shall in all things comply with the preceding provisions, and shall perform the duties required of such former sheriff.

CHAPTER IV.

Of Coroners.

SEC. 1. Two coroners shall be elected for each of the organized counties of this Territory, at the general election, for the term of two years, who shall give bond to this Territory in such penal sum, and with sufficient sureties, as the judge of the district court shall direct and approve, the condition of which bond shall be in substance the description of the office.

SEC. 2. When there shall be no sheriff or under-sheriff in any county, the judge of the district court shall designate one of the coroners to perform the duties of sheriff, which coroner so designated shall be vested with the same powers and be liable in the same manner as sheriffs, until a sheriff shall be elected and qualified; and shall have the custody and control of the jail and prisoners therein; and when the sheriff for any cause shall be committed to the jail, the coroner living nearest the jail shall be keeper thereof during the time the sheriff shall remain a prisoner therein.

SEC. 3. Every coroner within his county shall serve and execute process of every kind, and perform all other duties of the sheriff when the sheriff shall be a party or interested in any case; and in all cases where the coroner may execute the duties of the sheriff, he shall have the same powers conferred upon, and proceed in the same manner, prescribed for the sheriff in the performance of similar duties, and such coroners shall be liable in the same manner and to the same extent as sheriffs are made liable in similar cases.

SEC. 4. When a coroner is informed that a person has been killed, or has committed suicide, or has suddenly died under such circumstances as afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, he shall go to the place where the body is, and forthwith summon not less than nine nor more than fifteen persons qualified by law to serve as jurors, to appear before him forthwith at the