

Revised Statutes of 1846

R.S. of 1846

Chapter 147

Chapter 147. Of admitting prisoners to the liberties of jails, of escapes, and proceedings on the election of a new sheriff.

PROCEEDINGS ON THE ELECTION OF A NEW SHERIFF.

51.128 New sheriff; election, certificate of qualification.

Sec. 28.

Whenever any new sheriff shall be elected 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 county shall grant a certificate, under the seal of the circuit court for the county, that the person so elected has qualified and given such security.

History: R.S. 1846, Ch. 147 ;-- CL 1857, 427 ;-- CL 1871, 569 ;-- How. 597 ;-- CL 1897, 2600 ;-- CL 1915, 2464 ;-- CL 1929, 1356 ;-- CL 1948, 51.128

51.129 Former sheriff; ceasing of powers.

Sec. 29.

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.

History: R.S. 1846, Ch. 147 ;-- CL 1857, 428 ;-- CL 1871, 570 ;-- How. 598 ;-- CL 1897, 2601 ;-- CL 1915, 2465 ;-- CL 1929, 1357 ;-- CL 1948, 51.129

51.130 Former sheriff; delivery of property, process, documents and prisoners to successor.

Sec. 30.

Within 10 days after the service of such certificate upon such former sheriff, he shall deliver to his successor,

First. The jail of the county, with all its appurtenances, and the property of the county therein:

Second. All the prisoners then confined in such jail:

Third. 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 such process shall have been returned a statement in writing of the contents thereof, and when returned:

Fourth. All writs of *capias ad respondendum*, 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:

Fifth. 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.

History: R.S. 1846, Ch. 147 ;-- CL 1857, 429 ;-- CL 1871, 571 ;-- How. 599 ;-- CL 1897, 2602 ;-- CL 1915, 2466 ;-- CL 1929, 1358 ;-- CL

51.131 Former sheriff; instrument of delivery to successor; new sheriff, acknowledgment of receipt.

Sec. 31.

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.

History: R.S. 1846, Ch. 147 ;-- CL 1857, 430 ;-- CL 1871, 572 ;-- How. 600 ;-- CL 1897, 2603 ;-- CL 1915, 2467 ;-- CL 1929, 1359 ;-- CL 1948, 51.131

51.133 Former sheriff; delivery of jail, process documents and prisoners, refusal or neglect.

Sec. 33.

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 the one hundred and thirty-third chapter of these Revised Statutes.

History: R.S. 1846, Ch. 147 ;-- CL 1857, 432 ;-- CL 1871, 574 ;-- How. 602 ;-- CL 1897, 2605 ;-- CL 1915, 2468 ;-- CL 1929, 1360 ;-- CL 1948, 51.133

Compiler's Notes: The one hundred thirty-third chapter of the Revised Statutes, referred to in this section, was superseded by MCL 639.1 to 639.9, which were in turn repealed by Act 236 of 1961. See now MCL 600.2920.

51.134 Substitute for former sheriff; duties.

Sec. 34.

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.

History: R.S. 1846, Ch. 147 ;-- CL 1857, 433 ;-- CL 1871, 575 ;-- How. 603 ;-- CL 1897, 2606 ;-- CL 1915, 2469 ;-- CL 1929, 1361 ;-- CL 1948, 51.134