

ARTICLE XXII.

Comptroller.

1868, c. 210 enacts :

1. That the comptroller of the treasury be and he is hereby fully authorized and empowered to adjust and settle the claims of the state against all collectors, sheriffs, clerks, registers and other collectors or receivers of public moneys, and their securities in all cases where the said claims accrued prior to the year 1866, and whether said claims be now in the form of judgment or otherwise, and for the purpose of closing all such cases the comptroller is hereby fully authorized to compromise the same by abating the interest that has accrued or any portion thereof, or any part of the principal debt in his discretion so as to best subserve the interest of the state, and shall grant discharges to the said parties and their securities upon the payment into the treasury of the amount required by him to be paid in settlement as aforesaid, *provided*, however, that the governor and treasurer for the time being shall each approve in writing of any such abatement before the same shall be effective; and *provided*, further, that no discharge or acquittance under this act shall be effective, unless the party or parties to be benefitted by the same, shall first pay to the state's attorney, who shall have the case in hand, the legal fees and also all fees of clerks and sheriffs.

2. That the state's attorneys shall when required, render unto the comptroller all the assistance he may require in the adjustment and settlement of the aforesaid claims, and the said state's attorneys shall have power to examine evidence and take and certify to affidavits as to the solvency of any official bond that may be in suit, or as to the solvency or insolvency of parties against whom fines and forfeitures were rendered in all cases where such fines and forfeitures form part of the state's claim against the principal and securities on the bond aforesaid; and the state's attorneys shall generally perform and do all other acts and things germane to the purpose of this act that may be required in writing by the comptroller as aforesaid and shall certify and return to the comptroller all the aforesaid evidences.

3. That in all cases wherein the comptroller shall require the state's attorneys to assist him in executing this act, he shall allow them or any of them as compensation a commission of twenty per cent. on any state claim that he may collect or assist him, the comptroller, in collecting, and which said claim accrued prior to 1851; a commission of ten per cent. on any claim he may collect or assist in collecting and which said claim accrued between December 31, 1850, and January 1, 1861; and a commission of five per cent. on any claim he may collect or assist in collecting and which said claim accrued between December 31, 1860, and January 1, 1866; and the comptroller is hereby authorized to expend in his discretion under the approval of the governor and treasurer as aforesaid the sum of \$5,000, or so thereof as may be necessary out of any moneys in the treasury not otherwise appropriated to pay the cost of taking and collecting the aforesaid evidence, *provided*, that all affidavits and other evidence that shall be taken in behalf of the party debtor to the state shall be defrayed by said party and the state shall not be answerable for the same.

In force and approved Marce 28, 1848. See sec. 21 of Art. XI, Public General Laws, Attorneys.