

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

BOUNDARIES OF COUNTIES.

An act for erecting and establishing two new counties in the easterly part of the county of York.

[EXTRACT.]

Whereas the great extent of the county of York makes it convenient, that two new counties should be erected and established in the easterly part thereof,

SECT. 1. *Be it enacted by the lieutenant governor, council and house of representatives,* That the county of York aforesaid shall be, and it hereby is declared to be, bounded, on the east by a line to run from the sea northwesterly upon the easterly line of the township of Biddeford as far as Narragansett, number one; from thence northeasterly on said Narragansett to the easternmost corner thereof; from thence northwesterly on said Narragansett to the northernmost corner thereof; from thence southwesterly on said Narragansett to Saco river; from thence up said Saco river as far as Pearsontown extends thereon; and from thence to run north two degrees west on a true course as far as the utmost northern limits of this province; all the other boundary lines of said county to remain the same as heretofore.

SECT. 2. *And be it further enacted,* That the westernmost of the two new counties aforesaid shall be, and it is hereby declared to be, bounded, on the west by the easterly line of the county of York above described; on the north by the utmost northern limits of this province; on the southeast by the sea or western ocean and by Casco bay; from the easterly point of which bay, viz. from Smallpoint, the line shall run northwesterly upon said Casco bay to Newmeadows creek or river, and up said creek or river as far as Stevens' carrying place at the head of said creek or river; thence across said carrying place to Merrymeeting bay and Androscoggin river; from thence it shall run up said Androscoggin river thirty miles; and from thence north two degrees west on a true course to the utmost northern limits of this province; including all the islands in Casco bay aforesaid, and on the sea coast of the said new county: and all the towns, districts and lands within the said bounds, together with the islands aforesaid, shall, from and after the first day of November, one thousand seven hundred and sixty, be and remain one entire and distinct county, by the name of *Cumberland*, of which Falmouth shall be the shire or county town; and the inhabitants of said county of Cumberland shall have, use, exercise and enjoy all such powers, privileges and immunities, as, by law, the inhabitants of any other county within this province have, use, exercise and enjoy.

SECT. 6. *And be it further enacted,* That the most eastern county shall be bounded in the following manner; that is to say: on the west by the county of Cumberland aforesaid, on the east by the province of Nova Scotia, on the south and southeast by the sea or western ocean, and on the north by the utmost northern limits of this province; including all the islands to the eastward of the county of Cumberland aforesaid; and all the towns, districts and lands within said bounds, together with the islands aforesaid, shall, from and after the first day of November, one thousand seven hundred and sixty, be and remain one entire and distinct county by the name of *Lincoln*, of which Pownalborough shall be the shire or county town; and the inhabitants of the said county of Lincoln shall have, use, exercise and enjoy all such powers, privileges and immunities, as, by law, the inhabitants of any other county within this province have, use, exercise and enjoy.

[PASSED A. D. 1760.]

An act for erecting and establishing two new counties in the county of Lincoln, and declaring the boundaries of the county of Lincoln in future. [EXTRACT.]

Whereas the great extent of the county of Lincoln makes it convenient, that two new counties should be erected and established in the easterly part thereof,

SECT. 1. *Be it enacted, &c.,* That the county of Lincoln aforesaid, be and hereby is declared to be, bounded, easterly by a line beginning at Penobscot bay, in the boundary line, between the town of Thomaston and the town of Camden; thence running northwesterly by the east line of Thomaston, Warren and Union, to the northeast corner of Union; thence north twenty two degrees and one half of a degree east, until it intersects the north line of the Waldo Patent; thence north to the highlands; all the other boundary lines of said county to remain the same as heretofore; *Provided,* That no island, lying to the eastward of a line to be drawn due south from the most easterly part of the county of Lincoln, as declared to be bounded by this act, shall be considered as belonging to the said county of Lincoln.

SECT. 2. *And be it further enacted,* That the westernmost of the two new counties aforesaid, shall be, and it is hereby declared to be, bounded, westerly by the easterly line of the county of Lincoln above described; easterly by a line beginning at the bounds making the northeast corner of Goldsborough and southeast corner of township number seven; thence

running northerly by the east line of number seven, and by the east line of number ten, to the southeast corner of township, number sixteen; from thence due north to the highlands, including all the islands on the sea coast of the said new county, lying between lines drawn due south from the easterly part of the county of Lincoln, as before described, and the northeasterly corner of Goldsborough aforesaid; and all the towns, districts and lands within said bounds shall, from and after the first day of May, one thousand seven hundred and ninety, be and remain one entire and distinct county, by the name of *Hancock*, of which Penobscot shall be the shire or county town; and the inhabitants of said county of Hancock shall have, use, exercise and enjoy all such powers, privileges and immunities as by law the inhabitants of any other county, within this commonwealth, have, use, exercise and enjoy.

SECT. 5. *And be it further enacted*, That the eastermost of the two new counties aforesaid shall be bounded in the following manner, *viz*: westerly by the easterly line of the county of Hancock afore described; on the south and southeast by the sea or western ocean; on the north by the utmost northern limits of this Commonwealth; and easterly by the river Saint Croix; comprehending all the lands within this commonwealth to the eastward of the line of the county of Hancock aforesaid, including all the islands on the sea coast of the said eastermost county; and all the towns, districts and lands within said bounds, together with the islands aforesaid, shall, from and after the first day of May, in the year of our Lord, one thousand seven hundred and ninety, be and remain one entire and distinct county, by the name of *Washington*; of which Machias shall be the shire or county town. And the inhabitants of the said county of Washington shall have, use, exercise and enjoy, all such powers, privileges and immunities, as, by law, the inhabitants of any other county within this commonwealth, have, use, exercise and enjoy.

[PASSED JUNE 25, 1789.]

An act setting off part of the county of Hancock, and annexing it to the county of Lincoln. [EXTRACT.]

SECT. 1. *Be it enacted, &c.*, That all the lands contained within the following bounds, namely, beginning at Little Duck Trap, so called, thence running northwesterly on the northeasterly line of the town of Camden, to the northerly corner of said Camden; thence continuing on the same course, with the northeasterly line of said Camden, until it intersects the dividing line between the counties of Lincoln and Hancock; thence running southerly to Union; thence southeasterly on the east line of Union, Warren and Thomaston, to Penobscot bay; thence northerly by said bay to Little Duck Trap, the first mentioned bound, with all the inhabitants thereon, shall be and hereby are set off from the county of Hancock, and annexed to the county of Lincoln.

[PASSED MARCH 3, 1791.]

An act to divide the county of Lincoln, and to constitute the northerly part thereof a separate county, by the name of the county of Kennebec. [EXTRACT.]

SECT. 1. *Be it enacted, &c.*, That the county of Lincoln shall be divided, by a line beginning on the westerly line of the county of Hancock, at a place from which a line running west northwest shall strike the northeasterly corner of the town of Harlem; from thence running southeasterly by the easterly line of said town to the southeasterly corner thereof; thence southwesterly on a straight line to the northeasterly corner of Pittston; thence by the easterly line of said Pittston to the southeasterly corner thereof; thence westerly by the southerly line of said Pittston to the southwesterly corner of said town last mentioned; thence northwesterly by the westerly line of said Pittston to the mouth of Purgatory stream, so called, which empties itself into Cohhesecontee stream, so called; thence west northwest to the east line of the town of Monmouth; thence southerly by the east line of said Monmouth to the southeasterly corner thereof; thence westerly by the southerly line of said Monmouth to the westerly corner of said town; thence west to the easterly line of the town of Greene; thence southerly by the easterly line of said Greene to the southeasterly corner thereof; and thence westerly by the southerly line of said Greene to Androscoggin river, or the dividing line between the counties of Cumberland and Lincoln; and that the county of Lincoln aforesaid, be, and the same is hereby declared to be, bounded northerly and westerly by the line aforesaid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all and every part and parcel of the late county of Lincoln, situated on the northerly and westerly side of the aforesaid dividing line, and extending northerly and westerly, so as to comprehend all the territory lying between the counties of Cumberland and Hancock, and on the northerly and westerly side of the dividing line aforesaid, shall be and the same hereby is formed and erected into an entire and distinct county by the name of *Kennebec*, of which Augusta shall be the shire or county town: And the inhabitants of the said county of Kennebec shall have and possess, use, exercise and enjoy all the powers, rights and immunities, which, by the constitution and laws of this Commonwealth, the inhabitants of any county within the same have, possess, use, exercise, enjoy, and are entitled to.

[PASSED FEBRUARY 21, 1799.]

An act to alter the line between the counties of Lincoln and Kennebec.

Be it enacted, &c., That the limits of the said counties of Lincoln and Kennebec be, and they hereby are, so far changed and altered, as to include all the town of Litchfield, with the inhabitants, in the county of Lincoln, and that the land and inhabitants in the town of Litchfield, which are now included in the county of Kennebec, shall hereafter be subject to all duties and taxes, and possess all the privileges and rights, which the other land and inhabitants in said county of Lincoln possess.

[PASSED FEBRUARY 25, 1811.]

An act altering the line between the counties of Kennebec and Lincoln.

Be it enacted, &c., That from and after the passing of this act, the county line between the counties of Kennebec and Lincoln be, and it is hereby altered, so as to include the town of Malta wholly within the said county of Kennebec, and the town of Whitefield wholly within the said county of Lincoln.

[PASSED FEBRUARY 29, 1812.]

An act to incorporate a part of the counties of York and Cumberland into a separate county by the name of Oxford. [EXTRACT.]

SECT. 1. *Be it enacted, &c.,* That the counties of York and Cumberland shall be divided by a line, beginning at a place called the Crooked Ripples, on Androscoggin River, at the southeast corner of the town of Turner; from thence to run westerly on the dividing line between the towns of Turner and Minot, to the most northeasterly corner of said town of Minot; from thence southwesterly on the line between the towns of Minot and Hebron, to the southwesterly corner of said Hebron; thence northwesterly on the line between the towns of Hebron and Otisfield, to the town of Norway; thence westerly and northerly on the line between the towns of Otisfield and Norway, to the southeasterly corner of the town of Waterford; thence westerly on the line between said Waterford and Otisfield, to the northeasterly corner of the town of Bridgton; thence westerly on the northerly line of said Bridgton to the northwest corner thereof; thence southerly on the westerly side line of said Bridgton, to the southwest corner thereof; thence westerly on the north line of the town of Baldwin and Prescott's Grant, to Saco river; thence down the middle of said Saco River, to the mouth of the river called the Great Ossipee; thence westerly by a line drawn on the middle of the river last mentioned, to the line of the state of New Hampshire: and the counties of York and Cumberland aforesaid, be and the same are hereby declared to be bounded northerly by the line aforesaid.

SECT. 2. *And be it further enacted,* That all and every part and parcel of the late counties of York and Cumberland, situated on the northerly side of the line before described, and extending northerly and westerly, so as to comprehend all the territory lying between

the state of New Hampshire and the county of Kennebec, and on the northerly side of the dividing line aforesaid, excepting the towns of Wilton, Temple, Avon, and township, number three, on Sandy river, northerly of Avon, which towns shall be considered as belonging to the county of Kennebec, shall be, and the same is, hereby formed and erected into an entire and distinct county, by the name of *Oxford*, of which Paris shall be the shire or county town; and the inhabitants of the said county of Oxford shall hold, possess, use, exercise and enjoy all the powers, rights and immunities, which, by the constitution and laws of this Commonwealth, the inhabitants of any county within the same do hold, possess, use, exercise, enjoy, and are entitled to.

[PASSED MARCH 4, 1805.]

An act to divide the county of Kennebec, and to constitute the northerly part thereof into a county by the name of the county of Somerset. [EXTRACT.]

SECT. 1. *Be it enacted, &c.*, That the county of Kennebec shall be divided by a line, beginning on the westerly line of the county of Hancock, at the northeasterly corner of township, number four, north of the Waldo Patent; thence running westerly on the northerly line of said township and the town of Unity, to the northwest corner of the town of Unity aforesaid; thence due west, to the easterly line of the town of Clinton; thence northerly by said Clinton, to the northeast corner thereof; thence westerly by the northerly line of Clinton, to Kennebec river; thence down the middle of said river, to the line between the towns of Waterville and Fairfield; thence westerly between the towns last mentioned, to the southwest corner of said Fairfield; thence westerly on a straight line, to the southeasterly corner of the town of Mercer; thence westerly, on the southerly line of said town of Mercer, to the easterly line of the town of New Sharon; thence northwest, on the northeasterly line of the town of New Sharon aforesaid, to the easterly line of the town of Farmington; thence northerly and westerly, on the easterly and northerly line of said town of Farmington, to the easterly line of the town of Temple; thence northerly and westerly on the easterly and northerly line of the town of Temple, to the easterly line of the county of Oxford: and the bounds of the county by this act created, on the east, shall be the line heretofore established between the counties of Hancock and Kennebec; and on the west, by the line between the counties of Kennebec and Oxford; and on the north, by the line on the high-land; being the boundary between the District of Maine and the Province of Lower Canada.

SECT. 2. *Be it further enacted*, That all and every part and parcel of the late county of Kennebec, included within the lines before described, shall be, and the same is, hereby formed and erected into an entire and distinct county, by the name of *Somerset*; of which Norridgewock shall be the shire or county town. And the inhabitants of the said county of Somerset shall hold, possess, use, exercise and enjoy, all the powers, rights and immunities, which by the constitution and laws of this Commonwealth, the inhabitants of any county within the same do hold, possess, use, exercise, enjoy, and are entitled to.

[PASSED MARCH 1, 1809.]

An act to alter and establish a part of the line between the counties of Kennebec and Somerset.

Be it enacted, &c., That from and after the passing of this act, a part of the line between the counties of Kennebec and Somerset shall be as follows, viz. beginning at the northwest corner of township, number four, now Kingville, and running due west until it strikes the line of the town of Clinton, at a monument of stones there to be erected.

[PASSED FEBRUARY 26, 1813.]

An act to ascertain and establish a part of the west line of the county of Somerset, and for other purposes. [EXTRACT.]

Be it enacted, &c., That from and after the passing of this act, the west line of the tract of land, called Bingham's Tract or Patent, or otherwise called the Million Acres, lying on both sides of Kennebec river, until it intersects the north line of said Bingham's Tract, including the whole of said Million acres, shall be, and hereby is established, and declared to be, the west line of said county of Somerset.

[PASSED FEBRUARY 2, 1819.]

An act for dividing the county of Hancock, and establishing a new county by the name of Penobscot.

[EXTRACT.]

Be it enacted, &c., That all that territory in the county of Hancock, which lies north of the Waldo Patent, on the west side of Penobscot river, and north and west of the following lines on the east side of said river: beginning at said river, at the south line of Orrington, thence running easterly, on the southerly lines of Orrington, Brewer, and the Gore east of Brewer, to the west line of the Bingham purchase; thence northerly by said Bingham purchase, to the northwest corner thereof; thence easterly on the north line of said Bingham purchase, to the county of Washington; be, and hereby is constituted a new county, by the name of *Penobscot*; whereof Bangor shall be the shire town, until otherwise ordered by the general court: and the inhabitants of said county of Penobscot, shall have and possess, use and enjoy all the powers, rights and immunities, which, by the constitution and laws of this Commonwealth, any other inhabitants are entitled to.

[PASSED FEBRUARY 15, 1816.]

An act establishing the county of Waldo. [EXTRACT.]

SECT. 1. *Be it enacted, &c.*, That, from and after the third day of July next, all that portion of the present territory of the county of Hancock, which lies westward of the Penobscot bay and river, with the town of Islesborough, in said county, and the towns of Camden, Hope, Montville and Palermo, and the plantations of Appleton and Montville, in the county of Lincoln, and the towns of Freedom, Unity, Montgomery and Burnham, in the county of Kennebec, be, and hereby are constituted and made a county, by the name of *Waldo*, whereof Belfast shall be the shire town: and the inhabitants of said territory, towns and plantations, from and after the said third day of July, shall have and possess, use and enjoy, all the powers, rights, privileges and immunities, and be subject to all the duties, which, by the constitution and laws of this state, are granted to, and imposed upon, the inhabitants of other counties.

[PASSED FEBRUARY 7, 1827.]

An act explanatory of the act, establishing the county of Waldo.

Be it enacted, &c., That the plantation heretofore known by the name of Montville-plantation, and so described in the act, passed at the present session, establishing the county of Waldo, be, and the same hereby is, and shall be hereafter considered to be, that portion of the territory of the county of Lincoln which is now incorporated as a town by the name of Liberty: and that said town of Liberty is intended by said act to be, and henceforth shall be a portion of the territory of, and included within, the limits of said county of Waldo.

[PASSED FEBRUARY 17, 1827.]

An act additional to an act entitled, "an act establishing the county of Waldo." [EXTRACT.]

SECT. 1. *Be it enacted, &c.*, That, from and after the passage of this act, the dividing line between the counties of Hancock and Waldo, shall be the middle of the channel of the Penobscot river and bay, commencing in the middle of said river at the northerly line of said county of Waldo, and descending the same, leaving Orphan island on the east and Islesborough on the west, till it intersects a line drawn due east from the southern corner of said county of Waldo.

[PASSED JANUARY 22, 1828.]

An act altering the division line between the counties of Hancock and Washington.

Be it enacted, &c., That, from and after the passage of this act, the division line between the counties of Hancock and Washington be, and hereby is established, as follows, to wit: beginning at the southeast corner of township, numbered sixteen, thence northerly on the line, dividing townships, numbered sixteen and seventeen, twenty two and twenty three, twenty eight and twenty nine, to the northeast corner of township numbered, twenty eight; thence easterly on the line dividing the townships, numbered twenty nine and thirty five, to the southeast corner of the last mentioned township; thence northerly on the line

dividing the townships, numbered thirty five and thirty six, forty one and forty two, four and five, to the north line of the Bingham purchase: and said line is hereby declared to be the true boundary line, so far as it extends, any law to the contrary notwithstanding.

[PASSED MARCH 17, 1831.]

An act to annex the town of Corinna to the county of Penobscot. [EXTRACT.]

Be it enacted, &c., That the town of Corinna, in the county of Somerset, be, and the same hereby is, set off from said county of Somerset, and annexed to, and made part of, the county of Penobscot.

[PASSED FEBRUARY 10, 1833.]

An act to annex the town of Litchfield to the county of Kennebec. [EXTRACT.]

Be it enacted, &c., That the town of Litchfield, in the county of Lincoln, be, and the same hereby is, set off from said county of Lincoln, and annexed to, and made part of the county of Kennebec.

[PASSED MARCH 10, 1835.]

An act establishing the county of Franklin. [EXTRACT.]

SECT. 1. *Be it enacted, &c.*, That, from and after the date of the proclamation of the governor as is hereinafter provided, the towns of New Sharon, Chesterville, Wilton, Temple and Farmington in the county of Kennebec; and Jay, Carthage, Weld, Berlin, Madrid, townships, numbered six, Letter E. and D. in the county of Oxford, thence extending northerly from the northwest corner of Letter D. on the line betwixt townships, numbered three and four, through the several ranges of townships to Canada line, so as to include three tiers of townships west of the west line of the Bingham Purchase in said county of Oxford; and Industry, New Vineyard, Strong, Avon, Phillips, Freeman, Salem, Kingfield, townships numbered four in the first range west of Kingfield, three and four in the second range, and the south half of township, numbered four, in the third range of the Bingham Purchase in the county of Somerset, be and hereby are constituted and made a county by the name of *Franklin*, whereof Farmington shall be the shire town; and the inhabitants of said territory, towns and plantations, from and after the date of the proclamation of the governor, as is hereinafter provided, shall have and possess, use and enjoy, all the powers, rights, privileges and immunities, and be subject to all the duties which by the constitution and laws of this state, are granted to and imposed upon the inhabitants of other counties.

[PASSED MARCH 20, 1835.]

An act to establish the county of Piscataquis. [EXTRACT.]

SECT. 1. *Be it enacted, &c.*, That, from and after the last day of April next, all that portion of territory lying north of the south lines of Parkman and Wellington, in the county of Somerset, and lying north of the north lines of the towns of Dexter, Garland, Charleston, Bradford, and south line of Kilmarnock, in the county of Penobscot; and bounded east by the east lines of Milton, Kilmarnock and townships, numbered four, in the eighth and ninth ranges; and thence bounded east by a line running north, from the northeast corner of said township, numbered four in the ninth range, to the north line of the state; and bounded on the west by the west lines of Wellington, Kingsbery, Shirley and township, number two, in the fifth range; and thence bounded west by a line running north, from the northwest corner of said township number two, to the Kennebec river; thence up and by the southerly bank of said river to Moose Head lake; thence bounded westerly by the westerly margin of said lake, to the northwest angle of said lake—and thence bounded west by a line running north to the north line of the state—be and the same is hereby constituted and made a county, by the name of *Piscataquis*: and the inhabitants of said territory, from and after the last day of April next, shall have, possess, use, and enjoy, all the powers, rights and immunities, and be subject to all the duties, which by the constitution and laws of the state, are granted and imposed upon the inhabitants of other counties.

[PASSED MARCH 23, 1838.]

An act establishing the county of Aroostook. [EXTRACT.]

SECT. 1. *Be it enacted, &c.*, That from and after the first day of May next, all that part of the state lying north of the north line of the fourth range of townships, north of the Lottery townships, and east of the dividing line between ranges, five and six, west of the east line of the state, and of a line from the north termination of the said dividing line, and running the same course, to the north line of the state, be and is hereby constituted and made a county by the name of *Aroostook*, whereof Houlton shall be the shire town: And the inhabitants of the before described territory, from and after the first day of May next, shall have and possess, use and enjoy, all the powers, rights, privileges and immunities, and be subject to all the duties which by the constitution and laws of the state are granted to and imposed upon the inhabitants of other counties.

[PASSED MARCH 16, 1839.]

An act to annex the town of Wales to the county of Kennebec. [EXTRACT.]

Be it enacted, &c., That the town of Wales, in the county of Lincoln, be, and the same hereby is, set off from the said county of Lincoln, and annexed to, and made part of, the county of Kennebec.

[PASSED JANUARY 27, 1840.]

AN ACT CONCERNING ASSIGNMENTS.

SECT. 1. *Be it enacted, &c.*, That all assignments, made by debtors in this state, for the benefit of their creditors, shall provide for an equal distribution of all their estate, real and personal, among such of their creditors, as, after notice as herein provided, become parties to said assignments, in proportion to the amount of their respective claims; excepting such property of said debtors, as is by law exempt from attachment: and, in all such assignments, the assignor or assignors shall make affidavit to the truth thereof, a certificate of which affidavit shall be made upon said assignment by the magistrate, before whom the same may be taken.

SECT. 2. *Be it further enacted*, That the assignees of such debtor or debtors shall, within fourteen days after any assignment shall have been made to them, give public notice thereof in some newspaper, printed in the county where any of said debtors reside, or, if no newspaper be published at the time of said assignment in the county where any of said debtors reside, in any adjoining county, allowing three months to all creditors to become parties to said assignment: And no assignment, hereafter made by any debtor in this state for the benefit of his creditors, shall be valid, except the provisions of this act be complied with.

SECT. 3. *Be it further enacted*, That no assignee of any debtor, in an assignment made under the provisions of this act, shall be liable to trustee process for and on account of his having in his possession the property of the assigning debtor, until the expiration of three months from the time notice is given as provided for in the second section of this act; neither shall the property assigned be liable to attachment during said three months.

[PASSED APRIL 1, 1836.]

NOTE. This act was not revised by the commissioners, who acted under the resolve of February 28, 1837, they having, by order of the legislature of the year 1839, reported a bill for a general insolvent law. As the bill did not become a law, it is deemed proper that this act, continuing still in force, should be republished in this volume.