

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

**A. D. 1838.**

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# E. GHTEENTH LEGISLATURE.

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**NO. 8.**

**SENATE.**

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND THIRTY-EIGHT.

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### AN ACT establishing the County of Franklin.

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SECTION 1. *Be it enacted by the Senate  
2 and House of Representatives, in Legislature  
3 assembled, That from and after the twentieth  
4 day of April next, the towns of New Sharon,  
5 Chesterville, Wilton, Temple and Farmington  
6 in the County of Kennebec, and Jay, Carthage,  
7 Weld, Berlin, Madrid, townships numbered  
8 six, letter E. and D. in the County of Oxford,  
9 thence extending northerly from the northwest  
10 corner of letter D. on the line betwixt townships  
11 numbered three and four through the several  
12 ranges of townships to Canada line, so as to*

13 include three tiers of townships west of the west  
14 line of the Bingham Purchase in said County of  
15 Oxford—and Industry, New Vineyard, Strong,  
16 Avon, Phillips, Freeman, Salem, Kingfield,  
17 townships numbered four in the first range west  
18 of Kingfield, three and four in the second range,  
19 and the south half of township numbered four  
20 in the third range of the Bingham Purchase in  
21 the County of Somerset, be and hereby are  
22 constituted and made a County by the name of  
23 Franklin, whereof Farmington shall be the shire  
24 town—and the inhabitants of said territory,  
25 towns and plantations from and after the twen-  
26 tieth day of April next, shall have and possess,  
27 use and enjoy, all the powers, rights, privileges,  
28 and immunities and be subject to all the duties  
29 which by the constitution and laws of this State  
30 are granted to and imposed upon the inhabitants  
31 of other Counties.

SECT. 2. *Be it further enacted,* That from  
2 and after the twentieth day of April next there  
3 shall be annually holden at Farmington within  
4 and for said County of Franklin, two terms of  
5 the Court of Common Pleas, one on the first  
6 Tuesday of September and the other on the

7 first Tuesday of March; and there shall be annu-  
8 ally held one term of the Supreme Judicial  
9 Court at Farmington within and for said County  
10 of Franklin by two or more Justices thereof;  
11 on the second Tuesday after the fourth Tuesday  
12 of May annually, the first term to be held in  
13 the year of our Lord one thousand eight hundred  
14 and thirty-nine—at which terms the Justices of  
15 said Courts shall have and exercise the same  
16 power and jurisdiction as they now have or may  
17 have and exercise in any other County—and  
18 after the said twentieth day of April next there  
19 shall be held, annually, meetings of the County  
20 Commissioners at Farmington within and for  
21 said County of Franklin, on the last Tuesday  
22 of April and last Tuesday of December, the first  
23 meeting to be held on the last Tuesday of April  
24 next; and the County Commissioners for said  
25 County of Franklin shall have and exercise all  
26 the powers and do and perform all the duties  
27 which County Commissioners in other Counties  
28 do and perform.

SECT. 3. *Be it further enacted,* That there  
2 shall be a Court of Probate in and for said  
3 County to be held at such times and places as

4 shall be designated by the Judge of said Court  
5 or by law; and the Judge of said Court shall  
6 have the same powers and exercise the same  
7 jurisdiction and perform the same duties as  
8 Judges of Probate have, exercise and perform  
9 in other Counties.

SECT. 4. *Be it further enacted,* That from  
2 and after the first day of May in the year of our  
3 Lord one thousand eight hundred and thirty-  
4 nine, all business and actions, matters and things  
5 commenced and entered in the Supreme Judicial  
6 Courts in the Counties of Kennebec, Somerset  
7 and Oxford; and from and after the first day of  
8 May next all actions, suits, matters and things  
9 commenced, entered and pending in the Courts  
10 of Common Pleas in the Counties of Kennebec,  
11 Somerset and Oxford, involving title to real  
12 estate situated in the County of Franklin, or  
13 wherein the original plaintiff or plaintiffs, peti-  
14 tioner or petitioners, one or more of them lives  
15 or resides in the County of Franklin may be,  
16 and all indictments for offences committed in the  
17 County of Franklin, and all original prosecu-  
18 tions, with all recognizances, scire facias, and  
19 suits in which the State is a party and the

20 adverse party lives or resides in the County of  
21 Franklin, entered into or pending in either of  
22 said Courts at the times before mentioned, shall  
23 be transferred to and be entered, heard and have  
24 day in, be proceeded upon and tried in the  
25 Courts to be held by law in the County of  
26 Franklin; and all papers and documents belong-  
27 ing to said actions, cases, suits, indictments,  
28 criminal prosecutions and matters filed in the  
29 offices of the respective Clerks of the Judicial  
30 Courts for the Counties of Kennebec, Somerset  
31 and Oxford, shall be by said Clerks delivered  
32 over to the Clerk of the Judicial Court} for the  
33 County of Franklin—and all and every petition,  
34 process matter or thing which on the last Tues-  
35 day of April next may be pending before the  
36 County Commissioners in said Counties of Ken-  
37 nebec, Somerset and Oxford, shall be proceeded  
38 on and finally settled by said County Commis-  
39 sioners—and all business which shall be pending  
40 before the Courts of Probate in the said Coun-  
41 ties of Kennebec, Somerset and Oxford at the  
42 time this act goes into effect shall be decided and  
43 settled in said Probate Courts in the same  
44 manner as if this act had not passed—and the

45 several Courts for the above purposes may issue  
46 and direct any and every necessary writ, war-  
47 rant, commission and process to the officers,  
48 magistrates and citizens of said County of  
49 Franklin—which writs, warrants, commissions,  
50 and process shall be respected and obeyed by  
51 said officers, magistrates and citizens of said  
52 County of Franklin under the same penalties,  
53 as if the same issued from said Courts sitting in  
54 said County of Franklin.

SECT. 5. *Be it further enacted*, That the  
2 several towns and plantations within the County  
3 of Franklin, their officers and agents shall pay  
4 to the Treasurers of the several Counties of  
5 Kennebec, Somerset and Oxford, respectively,  
6 in the same manner as they have paid previous  
7 to the passing of this Act their due proportions  
8 of all County taxes, granted, apportioned and  
9 assessed prior to the passing of this Act and  
10 said Counties shall have the same right and  
11 authority to collect said taxes as though this Act  
12 had not passed.

SECT. 6. *Be it further enacted*, That the  
2 Supreme Judicial Courts of the Counties of  
3 Kennebec, Somerset and Oxford shall have the



4 same jurisdiction till the second Tuesday after  
5 the fourth Tuesday of May in the year of our  
6 Lord one thousand eight hundred and thirty-  
7 nine as if this Act had not passed.

SECT. 7. *Be it further enacted,* That for  
2 all purposes relating to the election of Repre-  
3 sentatives to Congress, and of Senators and  
4 Representatives to the Legislature of this State,  
5 the several portions of the County of Franklin  
6 shall be and remain parts of the Districts to  
7 which they respectively belonged before the  
8 passing of this Act.

SECT. 8. *Be it further enacted,* That all  
2 officers within and for the County of Franklin,  
3 having authority to commit any prisoner or  
4 debtor to jail shall be authorized and required  
5 for the term of five years from and after the  
6 passing of this Act if so long required by the  
7 County of Franklin, to commit such prisoner  
8 or debtor to the jail in the Counties of Ken-  
9 nebec and Somerset in the same manner as like  
10 officers of the respective Counties last aforesaid  
11 were by law authorized and required to do before

12 the passing of this Act—and the keepers thereof  
13 are hereby authorized and required to receive  
14 and detain in their custody all such prisoners  
15 and debtors; and all persons so committed to  
16 jail in either of the Counties of Kennebec or  
17 Somerset from the County of Franklin shall be  
18 entitled to the same rights and privileges as  
19 though they lived or had their homes in the  
20 County where committed as aforesaid—and it is  
21 hereby required and made the duty of all magis-  
22 trates and civil officers of the Counties of Ken-  
23 nebec and Somerset respectively to do and  
24 perform all acts and duties relating to such  
25 prisoners and debtors as they are authorized and  
26 required by law to do and perform for other  
27 prisoners or debtors arrested or committed within  
28 their respective Counties. *Provided however,*  
29 That the County of Franklin shall be liable to  
30 pay to the respective Counties of Kennebec  
31 and Somerset all expense or damage which  
32 may or shall rise or accrue from such commit-  
33 ments.

SECT. 9. *Be it further enacted,* That the

2 first County Treasurer and Register of Deeds  
3 for the County of Franklin, shall be chosen in  
4 the same manner and with the same tenure of  
5 office, as is provided by law where vacancies  
6 happen by death or resignation.

SECT. 10. *Be it further enacted,* That all  
2 Justices of the Peace and of the Quorum and  
3 all persons appointed to qualify civil officers, all  
4 persons appointed to solemnize marriages and  
5 all coroners duly commissioned and qualified to  
6 act as such, within and for the respective Coun-  
7 ties of Kennebec, Somerset and Oxford who  
8 shall when this Act takes effect reside in the  
9 County of Franklin, be and they hereby are  
10 authorized and empowered to act as such within  
11 and for the County of Franklin during the time  
12 for which they were appointed and commissioned  
13 and agreeably to the tenure of their respective  
14 offices.

SECT. 11. *Be it further enacted,* That the  
2 respective Justices of the Peace, for the Coun-  
3 ties of Kennebec, Somerset and Oxford who  
4 shall reside in the County of Franklin, when  
5 this Act takes effect, be, and they hereby are

6 authorized to issue executions on all judgments  
7 and recognizances recovered or taken before  
8 them respectively; and to do, perform and finish  
9 all matters and things commenced or pending  
10 before them respectively, in said official capacity,  
11 prior to the twentieth day of April next, as they  
12 might have done, had this Act not been passed.

SECT. 12. *Be it further enacted*, That until  
2 a Register of Deeds for the County of Frank-  
3 lin shall be appointed and qualified, all Deeds  
4 and conveyances of real estate and other docu-  
5 ments entitled to registry in a Register of Deeds  
6 office, for the County of Franklin, may be  
7 recorded in such office for the respective Coun-  
8 ties of Kennebec, Somerset and Oxford, in the  
9 same manner, as if this Act had not been passed;  
10 and such registry shall have the same effect, as  
11 though recorded by a Register of Deeds for the  
12 County of Franklin.

SECT. 13. *Be it further enacted*, That the  
2 Governor and Council, from and after the pas-  
3 sage of this Act, are authorized and empowered  
4 to nominate and appoint a Sheriff, a Clerk of the  
5 Judicial Courts, Judge and Register of Probate,

6 Courty Commissioners, and all civil officers that  
7 it is or may be legal for them to appoint for the  
8 County of Franklin; who may enter upon the  
9 duties of their respective offices from and after  
10 the twentieth day April next.

**STATE OF MAINE.**

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IN SENATE, February 22, 1838.

ORDERED, That five hundred copies of this Bill be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST :            WILLIAM TRAFTON, *Secretary.*