

# 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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# EIGHTEENTH LEGISLATURE.

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NO. 9.

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 to establish the County of Piscataquis.

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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 second day  
4 of April next, all that portion of territory lying  
5 north of the south lines of Ripley and Welling-  
6 ton, in the County of Somerset, and lying north  
7 of the south lines of the towns of Dexter,  
8 Garland, Charleston, Bradford and Kilmar-  
9 nock, in the County of Penobscot; and bounded  
10 east by the east lines of Bradford, Milton, Kil-  
11 marnock and townships numbered four in the  
12 eighth and ninth ranges; and thence bounded  
13 east by a line running north, from the northeast  
14 corner of said township numbered four in the  
15 ninth range, to the north line of the State; and*

16 bounded on the west by the west lines of Rip-  
17 ley, Cambridge, Wellington, Kingsbury, Shir-  
18 ley and township number two in the fifth range;  
19 and thence bounded west by a line running north,  
20 from the northwest corner of said township  
21 number two, to the Kennebec River; thence  
22 up and by the southerly bank of said river, to  
23 Moose Head Lake; thence bounded westerly,  
24 by the westerly margin of said lake, to the  
25 northwest angle of said lake—and thence bound-  
26 ed west by a line running north, to the north  
27 line of the State—be and the same is hereby  
28 constituted and made a County, by the name  
29 of Piscataquis—and the inhabitants of said  
30 territory, from and after the second day [of]  
31 April next, shall have, possess, use, and enjoy,  
32 all the powers, right and immunities, and be  
33 subject of all the duties, which by the constitu-  
34 tion and laws of the State, are granted and  
35 imposed upon the inhabitants of other Counties.

SECT. 2. *Be it further enacted*, That the  
2 town of Foxcroft shall be the shire town of said  
3 County of Piscataquis:—*Provided however*,  
4 That if the legal voters of the several towns and  
5 plantations, within the said County, shall at a  
6 legal meeting of said inhabitants, held for that

7 purpose on the second Monday of September  
8 next, by a majority of votes, designate any other  
9 than the town of Foxcroft, as the shire town  
10 of said County, the Legislature, at its next  
11 session, after such designation shall have been  
12 made, shall establish such town so designated,  
13 to be the shire town of said County; and the  
14 vote shall be taken at such town and plantation  
15 meetings, by ballot, upon which ballot shall be  
16 written the name of the town, to be designated  
17 as the shire town, and nothing more. And it  
18 shall be the duty of the Selectmen of towns,  
19 and the Assessors of plantations, within the  
20 said County of Piscataquis, to seasonably issue  
21 their warrants for the purpose, which warrants  
22 shall be posted up for the same time and in the  
23 same manner as warrants for other town and  
24 plantation meetings :—*Provided further*, That  
25 if there shall be no town designated by a majority  
26 of the votes of said inhabitants, on the second  
27 Monday of September next, then and in that  
28 case, each town and plantation, in said County  
29 of Piscataquis, shall at a legal meeting of the  
30 inhabitants, to be held on the first Monday of  
31 November next, elect one delegate each; and  
32 such Delegates shall meet on the first Monday

33 of December next, at Foxcroft, in said County  
34 of Piscataquis, and determine where the shire  
35 town of said County shall be; and the Legisla-  
36 ture, at its next session, after said delegates shall  
37 determine where said shire town shall be, shall  
38 establish such town so designated by such dele-  
39 gates, to be the shire of the County of Piscat-  
40 aquis.

SECT. 3. *Be it further enacted,* That from  
2 and after the second day of April next, there  
3 shall be held at Foxcroft, within and for the  
4 County of Piscataquis, annually, one term of  
5 the Supreme Judicial Court, to be held by two  
6 or more of the Justices of the said Court, on the  
7 fourth Tuesday after the fourth Tuesday of  
8 May—the first term of said Court, to be held  
9 on the fourth Tuesday after the fourth Tuesday  
10 in May, in the year of our Lord one thousand  
11 eight hundred and thirty-nine. And after the  
12 second day of April next, there shall be held at  
13 Foxcroft, annually, within and for the County  
14 of Piscataquis, two terms of the Court of Com-  
15 mon Pleas, to wit: on the third Tuesday in  
16 September and the fourth Tuesday in March;  
17 the first term thereof, to be held in said County  
18 on the third Tuesday in September next. And

19 after the second day of April next, there shall  
20 be held annually, on the first Tuesdays of April  
21 and December, a Court of County Commis-  
22 sioners, at Foxcroft aforesaid; but the first term  
23 of said Court of County Commissioners, shall  
24 be held at Foxcroft aforesaid, on the first Tues-  
25 day in May next. And the Justices of the  
26 Supreme Judicial Court, and the Court of  
27 Common Pleas, and the County Commissioners  
28 of said County of Piscataquis, shall have, exer-  
29 cise and possess, all the powers, and do and  
30 perform all the duties, which the Justices of  
31 said Courts, respectively, and the County Com-  
32 missioners of Counties, can have, exercise and  
33 perform in other Counties.

SECT. 4. *Be it further enacted,* That from  
2 and after the second day of April next, there  
3 shall be a Court of Probate, in and for said  
4 County of Piscataquis, to be held at such time  
5 and place, as shall be designated by the Judge  
6 of said Court, or by law; and the Judge of said  
7 Court shall have the same powers, and shall  
8 exercise the same jurisdiction and perform the  
9 same duties as Judges of Probate have, exer-  
10 cise and perform in other Counties.

SECT. 5. *Be it further enacted,* That from

2 and after the second day of April next, all suits,  
3 matters and things, at that time commenced or  
4 pending in the Court of Common Pleas, in the  
5 Counties of Penobscot or Somerset, wherein  
6 any question to real estate, situate in the County  
7 of Piscataquis, is to be tried; or wherein the  
8 original plaintiff or plaintiffs, petitioner or peti-  
9 tioners, one or more of them, lives or resides in  
10 the County of Piscataquis, may be, and all  
11 recognizances, *scire facias*, and suits, in which  
12 the State is a party, and the adverse party lives  
13 or resides in the County of Piscataquis, com-  
14 menced or pending, on or before the second day  
15 of April next, in the said Court of Common  
16 Pleas, in the respective Counties of Penobscot  
17 or Somerset, shall be transferred, to be heard,  
18 tried and have day in the Court of Common  
19 Pleas to be held in the County of Piscataquis;  
20 and all papers and documents, belonging to such  
21 actions, suits, indictments, criminal prosecutions  
22 and matters, filed in the office of the Clerk of  
23 the [Court of] Common Pleas, in the Counties of  
24 Penobscot and Somerset, shall be by the said  
25 Clerks, delivered over to the Clerk of the Judi-  
26 cial Courts, for the County of Piscataquis; and  
27 all and every petition, process, matter or thing,



28 at the same time pending, in the Courts of  
29 County Commissioners, in the Counties of Pe-  
30 nobscot and Somerset, the subject matter of  
31 which shall be within the County of Piscataquis,  
32 shall be proceeded upon and finally settled in  
33 the County of Piscataquis.

SECT. 6. *Be it further enacted*, That from  
2 and after the passing of this Act, the Supreme  
3 Judicial Court to be holden at Bangor, within  
4 and for the County of Penobscot, and to be  
5 holden at Norridgewock, within and for the  
6 County of Somerset, shall be holden at Bangor  
7 aforesaid, for the said County of Penobscot and  
8 Piscataquis, and at said Norridgewock, for said  
9 Counties of Somerset and Piscataquis, and  
10 shall from time to time have the same jurisdic-  
11 tion, power and authority, for the trial of all  
12 actions, civil and criminal, the cause whereof  
13 has arisen, or which shall arise, within the body  
14 of the County of Piscataquis, and to determine  
15 all other matters and things, arisen, or which  
16 shall arise, within the body of the County of  
17 Piscataquis—and shall have the same jurisdic-  
18 tion thereupon, as might have been had, by said  
19 Court, had not this act passed:—*Provided*

20 *however*, That the provisions of this section,  
21 shall not extend beyond the first Monday of  
22 June one thousand eight hundred and thirty-  
23 nine.

SECT. 7. *Be it further enacted*, That the  
2 several towns and plantations, within the County  
3 of Piscataquis, their officers and agents, shall  
4 pay to the Treasurers of the Counties of Penob-  
5 scot and Somerset, respectively, in the same  
6 manner as they have paid, previous to the  
7 passing of this Act, their due proportion of all  
8 taxes, granted, apportioned or assessed, prior  
9 to the passing of this Act. And the Treasurers  
10 within and for the Counties of Penobscot and  
11 Somerset, shall have respectively, the same  
12 power and authority to proceed with, and col-  
13 lect from all such towns and plantations, their  
14 officers and agents, respectively, their due pro-  
15 portion of all such taxes, granted, apportioned  
16 and assessed, as aforesaid.

SECT. 8. *Be it further enacted*, That the  
2 first County Treasurer and Register of Deeds  
3 for the County of Piscataquis, 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. 9. *Be it further enacted,* That for  
2 all the purposes of electing Representatives to  
3 Congress—and of electing Senators and Repre-  
4 sentatives to the Legislature of the State, the  
5 several portions of the County of Piscataquis,  
6 shall remain parts of the Districts, to which  
7 they respectively belonged, before the passing  
8 of this Act.

SECT. 10. *Be it further enacted,* That all  
2 officers within and for the County of Piscataquis,  
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 Piscataquis, to commit such prisoner  
8 or debtor, to jail in the Counties of Penob-  
9 scot and Somerset, in the same manner, as like  
10 officers of said Counties, were by law authorized  
11 and required to do before the passing of this Act :  
12 and the keepers of said jails, are hereby required  
13 and authorized, to receive and detain in their  
14 custody, all such prisoners and debtors :—*Pro-*  
15 *vided however,* That the County of Piscataquis  
16 shall be liable to pay the Counties of Penob-

17 scot and Somerset, all expenses and damages  
18 which shall accrue from such commitments.

SECT. 11. *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 qualified to act as such, within  
6 and for the Counties of Penobscot and Som-  
7 erset, who shall when this Act takes effect,  
8 reside in the County of Piscataquis, be, and  
9 they hereby are, authorized and empowered  
10 to act as such, within and for the County of  
11 Piscataquis, during the term for which they were  
12 appointed and commissioned.

SECT. 12. *Be it further enacted,* That the  
2 respective Justices of the Peace, for the Coun-  
3 ties of Penobscot and Somerset, who shall  
4 reside in the County of Piscataquis, when this  
5 Act shall take effect, be, and they hereby are,  
6 authorized to issue executions upon all judgments  
7 and recognizances, recovered and taken before  
8 them respectively--and to do, perform and finish  
9 all matters and things, commenced or pending  
10 before them, respectively, in their said official

11 capacity, in the same manner as they might have  
12 done, had not this Act passed.

SECT. 13. *Be it further enacted,* That until  
2 a Register of Deeds shall be appointed and  
3 qualified, all deeds and conveyances of real  
4 estate, and other documents, entitled to registry  
5 in the Register of Deeds office, for the County of  
6 Piscataquis, may be recorded in such office for  
7 the Counties of Penobscot or Somerset in the  
8 same manner, as if this Act had not passed;  
9 and such registry shall have the same effect, as  
10 though recorded in the County of Piscataquis.

SECT. 14. *Be it further enacted,* That the  
2 Governor and Council, by or before the third day  
3 of April next, are authorized and empowered  
4 to nominate and appoint a Sheriff, Clerk of the  
5 Judicial Courts, Judge of Probate, Register of  
6 Probate, County Commissioners, and all other  
7 civil officers, that are or may be legal for them to  
8 appoint for the County of Piscataquis—who may  
9 enter upon the duties of their respective offices  
10 from and after the second day of April next.

SECT. 15. *Be it further enacted,* That the  
2 votes to be taken by the towns and plantations  
3 as provided for in the second section of this Act,

4 shall be returned by the clerks of said towns  
5 and plantations, to the County Commissioners  
6 of said County of Piscataquis, on or before the  
7 first Monday in October next; and if there shall  
8 be no town designated by a majority of the votes  
9 of said inhabitants as the shire town of said  
10 County, it shall be the duty of the County  
11 Commissioners of said County of Piscataquis,  
12 to forthwith notify the Selectmen and Assessors  
13 of the several towns and plantations in said  
14 County, and require them to call meetings in  
15 their respective towns and plantations for the  
16 purpose of choosing the delegates mentioned in  
17 the second provision of said second section of  
18 this Act.

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STATE OF MAINE.

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IN SENATE, February 22, 1838.

THIS Bill was read once, and Wednesday next, ten o'clock, assigned for a second reading, and,

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

[Extract from the Journal.]

ATTEST :                      WILLIAM TRAFTON, *Secretary.*