

# MAINE STATE LEGISLATURE

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# DOCUMENTS

PRINTED BY ORDER OF

# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSION

**A. D. 1843.**

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*AUGUSTA:*

WM. R. SMITH & Co., PRINTERS TO THE STATE.



1843.

# ABSTRACT

FROM THE

## Returns of the Clerks of the Judicial Courts of Maine,

Made to the Office of the Secretary of State, in pursuance to Orders of  
the House of Representatives, passed February 9th and 11th,  
and an Order of the Senate, passed February 13th;  
Comprising so much of said Returns as  
relates exclusively to the business of the Supreme Court.

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Prepared in conformity to an Order of the Senate of February 21, 1843.

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**Augusta:**

WM. R. SMITH & CO., PRINTERS TO THE STATE.



1843.

## STATE OF MAINE.

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IN SENATE, Feb. 21, 1843.

ORDERED, that the Secretary of State be directed to prepare an abstract of the returns made to his office, by the Clerks of the Judicial Courts, relative to the business of the Supreme Court, under the several orders passed by the Senate and House during their present session, and cause 300 copies of the same to be printed for the use of the Legislature.

Read and passed.

JERE HASKELL, *Secretary.*

A true copy,

ATTEST:

JERE HASKELL, *Secretary.*

## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 9, 1843. }

ORDERED, That the Secretary of State be directed to obtain from the Clerks of the various Courts in the several counties in this State, the number of entries made upon the several Dockets of said Courts, for the years 1836, to 1842, inclusive.

Read and passed.

WM. T. JOHNSON, *Clerk.*

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## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 11, 1843. }

ORDERED, That the Secretary of State be directed to obtain from the Clerks of the Courts of the several counties, a certificate of the number of jury trials in each County, for each of the last five years, and also a certificate of the number of cases of law argued each year in the Supreme Judicial Court, for each of the last five years, and report the same to this House.

Read and passed.

WM. T. JOHNSON, *Clerk.*

# STATE OF MAINE.

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IN SENATE, FEBRUARY 13, 1843.

ORDERED, That the Secretary of State be directed to address letters forthwith to the Clerks of the Courts of the several counties, propounding to them the following questions, and transmit to the Senate such answers as he may receive.

*First.* How many days in each year from 1836 to 1842, inclusive, has the Supreme Court been in session in the several counties, excluding the number of days employed in the hearing of arguments upon points of law?

*Second.* Of the whole number of law questions argued orally and in writing during the law circuit of 1842, what proportion was decided immediately upon the hearing and what proportion remained undecided on the first day of the present month?

*Third.* How many law questions remain on the Docket of the Supreme Court agreed to be argued in writing?

JERE HASKELL, *Secretary.*

A TRUE COPY,

ATTEST :

JERE HASKELL, *Secretary.*

**County of Cumberland.**  
**SUPREME JUDICIAL COURT.**

Years.	No. of entries.	No. of Jury trials.	Cases of law argued.
1838.	No return.	No return.	12
1839.			28
1840.			30
1841.			32
1842.			29
Aggregate,			131

NOTE. The returns from this county do not designate the number of entries, and number of jury trials in the S. J. Court, but embrace all the Courts collectively.

Years.	No. of days in session	No. of law questions argued in 1842.	No. decided upon hearing.	No. not decided Feb. 1, 1843.	No. on docket of 1842, to be argued in writ'g
1836	54				
1837	35				
1838	47				
1839	41				
1840	66				
1841	31				
1842	41	29	4	13	6

N. B. From the nature of the questions, and the manner of keeping dockets, definite and accurate answers cannot well be given to the several questions proposed by the Senate; but the answers here given, conform to the facts as near as the circumstances of the case will admit. In answer to the last question, it is stated that only six cases stand on the docket to be argued in writing—this might lead to a wrong inference,—six cases are all that are agreed to be argued in writing, *and are so marked on the docket*, but there are about fifty actions now upon the law docket, which are yet to be argued either orally or in writing.

## SUPREME COURT.

**County of Lincoln.**  
**SUPREME JUDICIAL COURT.**

Years.	No. of Entries.	No. of Jury trials.	Cases of law argued.
1838.	No return.	No return.	19
1839.			20
1840.			15
1841.			13
1842.			11
Aggregate,			78

NOTE. The returns from this county do not designate the number of entries and number of Jury trials in the S. J. Courts, but embrace all the courts collectively.

In reply to the order of the Senate, the clerk states, that the whole number of law questions argued orally at the law circuit of 1842, in this county, were ten—five were decided immediately upon the hearing, and five remained undecided on the first day of the present month.



SUPREME COURT.

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**County of Hancock.**  
**SUPREME JUDICIAL COURT.**

Years.	No. of entries.	No. of trials by Jury.	Cases of law argued.
1836.	49		} Not shown by records.
1837.	87		
1838.	110	6	
1839.	40	3	
1840.	31	2	
1841.	27	2	
1842.	22	5	
Aggregate,	366	18	6

Years	No. days in session except law T.	No. law questions argued in 1842.	No. decided immediately.	No. not decided February 1, 1843.	No. on docket of 1842, to be argued in writing.
1836	2				
1837	3				
1838	6				
1839	2				
1840	4				
1841	5				
1842	4	6	4	2	none.

**County of Washington.**  
**SUPREME JUDICIAL COURT.**

Years.	No. of entries.	No. of Jury trials.	Cases of law argued.
1836.	243		
1837.	473		
1838.	444	10	21
1839.	383	20	16
1840.	242	32	25
1841.	127	15	21
1842.	180	18	30
Aggregate,	2,092	95	113

Years.	No. of days.	No. of law cases argued in the S. J. Court, A. D. 1842.	No. decided up to their hearing.	The proportion remaining undecided the 1st inst.	No. of cases entered on the docket of the S. J. C. 1842, to be argued in writ'g
1836	10				
1837	7				
1838	5				
1839	12				
1840	19				
1841	10				
1842	15	30	5	5-6	1

SUPREME COURT.

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County of Kennebec.

SUPREME JUDICIAL COURT.

Years.	No. of entries.	No. of jury trials.	Cases of law argued.
1836.	217		
1837.	380		
1838.	322	20	26
1839.	164	16	44
1840.	133	12	40
1841.	101	9	17
1842.	116	38	46
Aggregate,	1433	95	173

NOTE. The clerk states that the Supreme Court Dockets in this county do not show the number of cases actually *argued* at each law term, as many of the cases are submitted without argument or on the briefs of counsel, several are agreed to be argued in writing out of term time, and some are, for want of time, postponed for argument to a future term : and no minute of these facts is made by the clerk on the docket. The dockets however, do show the number of new law cases brought before the full court at each law term, and the above table exhibits that information.

Years.	No. of days	No. of law questions argued in 1842.	No. decided upon hearing.	No. not decided February 1, 1843,	No. on the Docket of 1842, to be argued in writing.
1836	20				
1837	11				
1838	23				
1839	25				
1840	26				
1841	16				
1842	56	46	18	28	7

N. B. At the June or Law term, held by the full court for the hearing questions of law, five days are usually occupied in each year, a portion of which time, probably about one day on an average, is devoted to other matters than the hearing of arguments.

## SUPREME COURT.

**County of Oxford.***SUPREME JUDICIAL COURT.*

Years.	No. of entries.	No. of Jury trials.	Cases of law argued.
1836.	51		
1837.	43		
1838.	51	4	8
1839.	57	4	6
1840.	54	5	5
1841.	45	4	8
1842.	40	2	11
Aggregate,	341	19	38

Years.	No. of days.	No. of law questions argued in 1842.	No. decided upon hearing.	No. not decided Feb. 1, 1843.	No. on the docket of 1842, to be argued in writing.
1836	7				
1837	8				
1838	8				
1839	8				
1840	7				
1841	6				
1842	7	11	6*	3	none.

NOTE. The clerk remarks that "the dockets do not show 'the number of days employed in the hearing of arguments upon points of law,' but from my own recollection I am enabled to state, that the time so employed during the above period, has averaged something less than two days at each May term, which is the law term in this county."

\* 2 decided since.

**County of Somerset.**

The returns from this county do not designate the number of entries, and number of Jury trials in the Supreme Judicial Court, but embrace all the courts collectively.

The clerk states as follows :—“ It does not generally appear upon the dockets at what terms the cases of law were argued. Upon careful examination and inquiry, I find that 18 cases of law were fully argued at the last law term in this county. About 100 new cases of law have been entered upon the dockets of the Supreme Judicial Courts, within the last five years.”

Years.	No. of days.	No. of law questions argued in 1842.	No. decided upon hearing.	No. not decided Feb. 1, 1843.	No. on the docket of 1842, to be argued in writing.
1836	16				
1837	14				
1838	14				
1839	15				
1840	21				
1841	14				
1842	14	18	13*	2	3

\*3 decided since.

**County of Penobscot.**  
**SUPREME JUDICIAL COURT.**

Years.	No. of entries.	No. of Jury trials.	Law cases.
1836.	2,075	No return.	
1837.	922		
1838.	582		65*
1839.	315		54†
1840.	250		53†
1841.	204		53†
1842.	200		40
Aggregate,	4,588		265

NOTE. The returns from this county do not designate the number of Jury trials in the S. J. Court, but embrace all the courts collectively.

\* What proportion argued during the year, dockets do not show. Most of the cases, however, disposed of.

† More or less argued and disposed of.

Years.	No. of days.	No. of law questions argued in 1842.	No. decided upon hearing.	No. not decided Feb. 1, 1843.	No. on the docket of 1842, to be argued in writing.
1836	48				
1837	69				
1838	41				
1839	37				
1840	31				
1841	37				
1842	46	40	12	28	12

**County of Waldo.**

**SUPREME JUDICIAL COURT.**

Years.	No. of entries.	No. of Jury trials.	Cases of law argued.
1836.	263		
1837.	244		
1838.	355	10	15
1839.	78	9	15
1840.	71	9	23
1841.	92	9	14
1842.	53	11	18
Aggregate.	1,156	48	85

Years.	No. of days.	No. of law questions argued in 1842.	No. decided upon hearing.	No. not decided Feb. 1, 1843.	No. on the docket of 1842, to be argued in writing.
1836	9				
1837	8				
1838	10				
1839	8				
1840	11				
1841	17				
1842	15	17	6	3	1

**County of Piscataquis.**

The first term of the S. J. Court was holden in this county in June, A. D. 1839.

Since that period the number of actions entered, was 71

The number of jury trials in the S. J. Court, not designated.

The number of law questions argued from June term 1839 to June term 1842, inclusive, 21

Years	No. of days	No. of law questions argued in 1842.	No. decided upon hearing.	No. not decided February 1, 1843.	No. on the Docket of 1842, to be argued in writing.
1839	1				
1840	3				
1841	4				
1842	3	14	8	3	3

**County of Franklin.**

The first term of the Supreme Judicial Court was holden in this county in 1839.

Number of actions entered since that time, 67

The number of jury trials in the S. J. Court, is not designated.

Years.	Law cases argued.
1839,	3
1840,	6
1841,	7
1842,	7

Years.	No. of days	No. of law questions argued in 1842.	No. decided upon hearing.	No. not decided Feb. 1, 1843.	No. on the Docket of 1842, to be argued in writing.
1839	1				
1840	3				
1841	3				
1842	3	7	4	2	1



**SUPREME COURT.**

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Since 1836 three new counties have been established.

Number of days employed by the Supreme Court in 1842, in jury trials, exclusive of Lincoln, from which the number of days is not returned, and exclusive also of York,	188
Number of law questions, argued and agreed to be argued in writing, in the same Court in 1842, exclusive of York,	263
Of these were undecided February 1, 1843,	114
No returns have been received from the county of York.	