

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1849.

TWENTY-EIGHTH LEGISLATURE.

No. 20.

SENATE.

STATE OF MAINE.

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

AN ACT establishing the county of Sebecook.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. From and after the date of the proclamation of the governor as hereinafter provided, the towns of Rome, Belgrade, Waterville, Winslow, Albion, Sebecook, Clinton, Clinton gore, and the unincorporated territory north of Albion in the county of Kennebec, and Unity and Burnham in the county of Waldo, and Detroit, Pittsfield, Fairfield and Smithfield in the county of Somerset, be and are hereby constituted and made a county by the name of Sebecook,

10 whereof Waterville shall be the shire town. And the
11 inhabitants of the said towns, gore and territory from
12 and after the date of the proclamation of the governor
13 as is hereinafter provided, shall have and possess, use
14 and enjoy all the powers, rights, privileges and im-
15 munities, and be subject to all the duties which by
16 the constitution and laws of this state are granted to
17 and imposed upon the inhabitants of other counties.

SEC. 2. From and after the date of the proclamation
2 of the governor as is hereinafter provided, there shall
3 be holden annually at Waterville within and for said
4 county of Sebesticook, two terms of the district court
5 for the middle district, to wit, on the third Tuesday of
6 May and the third Tuesday of November. And there
7 shall also be holden at said Waterville within and for
8 said county of Sebesticook, two terms of the supreme
9 judicial court, to wit, on the second Wednesday next
10 after the second Tuesday of May, and the second
11 Tuesday of November ; at which terms the justices of
12 said courts shall have and exercise the same powers
13 and jurisdiction as they may have and exercise in any
14 other county. And county commissioners shall be
15 appointed by the governor for said county of Sebas-

16 ticook, who shall meet at said Waterville on the first
17 Tuesday of May and the first Tuesday of November,
18 in each year. And the said county commissioners
19 shall have and exercise all the powers and do and
20 perform all the duties which county commissioners in
21 other counties do and perform.

SEC. 3. There shall be a court of probate in and
2 for said county to be held at such times and places
3 as shall be designated by the judge of said court or
4 by law. And the judge of said court shall have the
5 same powers, and exercise the same jurisdiction and
6 perform the same duties, as judges of probate have,
7 exercise and perform in other counties.

SEC. 4. All business and actions, matters and things
2 commenced and entered before this act shall go into
3 effect, in the supreme judicial courts and the district
4 courts for the middle district in the counties of Ken-
5 nebec, Somerset and Waldo and pending therein,
6 involving title to real estate situated in said county of
7 Sebecook, or wherein the original plaintiff or plain-
8 tiffs, petitioner or petitioners, one or more of them
9 lives or resides in the said county of Sebecook, and
10 all indictments for offenses committed in the county

11 of Sebacicook, and all original prosecutions, with all
12 recognizances, scire facias and suits in which the state
13 is a party, and the adverse party lives or resides in
14 the county of Sebacicook, entered into or pending
15 in either of said courts when this act shall go into
16 effect, shall be transferred to, and be entered, heard
17 and have day in, be proceeded upon, and tried in the
18 courts to which they respectively belong, to be held
19 by law in the county of Sebacicook. And all papers
20 and documents belonging to said actions, cases, suits,
21 indictments, criminal prosecutions, and matters filed
22 in the offices of the respective clerks of the judicial
23 courts for the counties of Kennebec, Somerset and
24 Waldo, shall be by said clerks delivered over to the
25 clerk of the judicial courts for the county of Sebas-
26 ticook; and all and every petition, process, matter or
27 thing which may be pending before the county com-
28 missioners in said counties of Kennebec, Somerset
29 and Waldo when this act shall go into effect, shall be
30 proceeded on and finally settled by said county com-
31 missioners. And all business which shall be pending
32 before the courts of probate in the counties of Ken-
33 nebec, Somerset and Waldo, at the time this act

34 goes into effect, shall be decided and settled in said
35 probate courts, in the same manner as if this act had
36 not passed. And the several courts for the above
37 purposes may issue and direct any and every neces-
38 sary writ, warrant, commission and process to the
39 officers, magistrates and citizens of said county of
40 Sebesticook, which writs, warrants, commissions and
41 process shall be respected and obeyed by said officers,
42 magistrates and citizens of said county of Sebesti-
43 cook under the same penalties, as if the same issued
44 from said courts sitting in said county of Sebesticook.

SEC. 5. The several towns, gore, and territory
2 within the county of Sebesticook, their officers and
3 agents, shall pay to the treasurers of the several coun-
4 ties of Kennebec, Somerset, and Waldo respectively,
5 in the same manner as they have paid previous to the
6 passing of this act, their due proportion of all county
7 taxes, granted, apportioned and assessed prior to the
8 passing of this act; and the said counties shall have
9 the same right and authority to collect said taxes as
10 though this act had not passed.

SEC. 6. The supreme judicial courts, and the dis-
2 trict court for the middle district for said counties of

3 Kennebec, Somerset and Waldo, shall respectively
4 have and exercise the same jurisdiction in said coun-
5 ties, until this act shall go into effect, as if the same
6 had not passed.

SEC. 7. For all purposes relating to representatives
2 to congress, and of senators and representatives to
3 the legislature of this state, and councilors, the several
4 portions of the county of Sebecook shall for the
5 time being, be and remain parts of the districts to
6 which they respectively belonged before the passing
7 of this act.

SEC. 8. All officers within and for the county of
2 Sebecook having authority to commit any prisoner
3 or debtor to jail, shall be authorized and required for
4 the term of ten years from and after the passing of
5 this act, if so long required by the county of Sebeco-
6 cook to commit such prisoner or debtor to the jail in
7 the counties of Kennebec, Somerset and Waldo, in
8 the same manner as like officers of the respective
9 counties aforesaid were by law authorized and re-
10 quired to do before the passing of this act. And the
11 keepers thereof are hereby authorized and required to
12 receive and detain in their custody all such prisoners

13 and debtors; and all persons so committed to jail,
14 shall be entitled to the same rights and privileges, as
15 though they resided in the county where they are com-
16 mitted. *Provided, however,* that the county of Sebasti-
17 cook shall be liable to pay to the respective counties of
18 Kennebec, Somerset and Waldo all expense or dam-
19 age which shall accrue to said counties, from such
20 commitments.

SEC. 9. When it shall be ascertained in the manner
2 hereinafter provided, that this act will go into effect,
3 the governor, with the consent of the council, shall
4 appoint a sheriff, a clerk of the courts, judge and
5 register of probate, county commissioners, and all
6 other civil officers which it may be necessary and
7 proper for him to appoint for said county of Sebasti-
8 cook, who shall hold their offices respectively until
9 others are chosen and qualified according to law.

SEC. 10. All justices of the peace, and of the
2 quorum, and all persons appointed to qualify civil
3 officers, and to solemnize marriages, and all coroners
4 duly commissioned and qualified to act as such within
5 and for either of the counties of Kennebec, Somerset
6 or Waldo, who shall, when this act goes into effect,

7 reside in said county of Sebasticook, shall continue
8 to hold their respective offices, with all the powers
9 and duties incident thereto in the said county of Se-
10 basticook, during the tenure of their respective offices.

SEC. 11. Justices of the peace for the counties of
2 Kennebec, Somerset, and Waldo, who shall reside
3 in the county of Sebasticook when this act shall
4 go into effect, be and they hereby are authorized to
5 issue executions on all judgments and recognizances
6 recovered or taken before them respectively; and to
7 do, perform and finish all matters and things com-
8 menced or pending before them respectively in their
9 official capacity, before this act shall go into effect,
10 in the same manner as they might have done if this
11 act had not been passed.

SEC. 12. Until a register of deeds shall be ap-
2 pointed and qualified for the county of Sebasticook,
3 all deeds, and conveyances of real estate, and all
4 other documents entitled to registry in a register of
5 deeds' office for the county of Sebasticook, may be
6 recorded where the should have been, if this act had
7 not passed.

SEC. 13. This bill shall not go into operation and

2 become a law, unless a majority of the legal voters
3 within the limits of the proposed new county, shall,
4 at their annual town and plantation meetings to be
5 held in March or April next, vote in favor of the
6 same, which votes shall be received, sorted, counted,
7 declared and sealed up in the same manner as votes
8 for senators to the legislature of this state ; and said
9 votes shall be returned into the office of the secretary
10 of state, within ten days from the time such meeting
11 shall be holden ; and it shall be the duty of the gov-
12 ernor and council to open and count said votes ; and
13 if a majority of the votes legally returned shall be in
14 favor of the proposed new county, the governor shall
15 proclaim the fact by proclamation, and this act shall
16 take effect from and after the date of said proclama-
17 tion.

STATE OF MAINE.

IN SENATE, July 11, 1848.

ORDERED, That 350 copies of the foregoing bill (reported from committee on division of counties,) be printed for the use of the Legislature.

DANIEL T. PIKE, *Secretary.*