

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SEVENTH LEGISLATURE,

AT ITS SESSION

HELD IN JANUARY, 1827.

PUBLISHED AGREEABLY TO THE RESOLVE OF THE 28TH OF JUNE, 1820.

PORTLAND.

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1827.

ized and empowered at their annual meetings in the month of March or April, to prohibit, by a vote of the town, the burning of any bricks, or the erecting of any brick kiln, for the purpose of burning the same, within such part or parts of the town as they shall deem for the safety of its citizens and their property. And no person shall be allowed to use, occupy, or improve, by himself or others, any lot or place for the purpose of burning the same within the part or parts of the same, wherein said town, by a vote thereof, at their last annual meeting in the month of March or April, shall have prohibited the burning of bricks, or the erecting of any brick kiln for the purpose of burning the same. And if any person or persons, by himself or others, shall burn any bricks, or erect any brick kiln for the purpose of burning the same, within the part or parts of any town, wherein the burning of bricks and the erecting of brick kilns for the purpose of burning the same, shall have been prohibited as aforesaid, it shall be the duty of the Selectmen of such town, to cause the bricks, or the kilns so made, erected or burned, to be forthwith removed, at the expense of the owner or owners thereof. And the person or persons offending against any of the provisions of this Act, shall, moreover, forfeit and pay for each offence a sum not less than one hundred nor more than two hundred dollars, to be recovered by indictment or information in the Supreme Judicial Court or Court of Common Pleas, to the use of the town wherein the offence shall have been committed.

Towns may prohibit the burning of bricks, or the erecting of brick kilns, within certain parts thereof, &c.

In such case none to be burnt or erected.

Bricks or kilns may be removed by the Selectmen at the expense of the owner.

Penalty, and how recovered.

[*Approved by the Governor, Feb. 6, 1827.*]

CHAPTER CCCLIV.

AN ACT establishing the County of WALDO.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled, That, from and after the third day of July*

Territory.

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.

Name and shire town.

S. J. Court, times of holding.

SECT. 2. *Be it further enacted,* That from and after the third day of July next, there shall be held annually at Belfast, within and for said county of Waldo, on the seventh Tuesday next after the third Tuesday of May, one term of the Supreme Judicial Court, at which term, the Justices of said Court, or any one or more of them, shall have and exercise the same powers and jurisdiction as they now have or may have and exercise in any other county; and the Tuesday of the month on which said court is appointed to be held, may, in all judicial proceedings be expressed and designated by such Tuesday of the month, as will be the Tuesday of the month, on which said court is to be holden. And after the third day of July next, there shall be held annually at Belfast, within and for said county of Waldo, three terms of the Court of Common Pleas, to wit:—on the fourth Tuesdays of March, July and November, at which terms the Justices of said Court of Common Pleas shall have and exercise the same power and jurisdiction as they now have or may have and exercise in any other county. And, after the third day of

G. C. Pleas.

July next, there shall be held annually on the third Tuesdays of November and April, a Court of Sessions at Belfast, within and for said county of Waldo; and the Justices of said Court of Sessions shall have and exercise all the powers, and do and perform all the duties which the Justices of said court have and perform in other counties. The first term of the Supreme Judicial Court to be held within and for said county, shall be held on the second Tuesday of July, one thousand eight hundred and twenty eight, and the first term of said Court of Common Pleas, to be held in said county, shall be held on the fourth Tuesday of July next; and the first term of said Court of Sessions, to be held in said county, shall be held on the third Tuesday of November next.

C. Sessions.

Further provisions in relation to Courts.

SECT. 3. *Be it further enacted,* That there shall be a Court of Probate in and for said county, to be held at such times and places as shall be designated by the Judge of said Court, or by law: And the Judge of said Court, shall have the same powers and exercise the same jurisdiction and perform the same duties, as Judges of Probate have, exercise, and perform in other counties.

C. of Probate, times of holding

SECT. 4. *Be it further enacted,* That all actions, suits, matters, and things commenced or pending in the Courts of Common Pleas and Supreme Judicial Court, in the counties of Hancock, Lincoln or Kennebec respectively, on the third day of July next, wherein any question involving title to real estate, situated in the county of Waldo, is to be tried, or wherein the original plaintiff or plaintiffs, petitioner or petitioners, one or more of them lives or resides in the county of Waldo, may be, and all indictments for offences committed in the county of Waldo, and all original prosecutions, with all recognizances, *scire facias*, and suits in which the State is a party, and the adverse party lives or resides in the county of Waldo, commenced or entered into, or

Actions, &c. commenced or pending where to be tried, &c.

pending on or before the said third day of July, in either of said Courts in the respective counties of Hancock, Lincoln or Kennebec, shall be transferred to, and be entered, heard and have day in, be proceeded upon and tried in the Courts to be held by law in the county of Waldo : and all papers and documents belonging to such actions, cases, suits, indictments, criminal prosecutions and matters filed in the offices of the respective clerks of the Judicial Courts for the counties of Hancock, Lincoln or Kennebec, shall be, by the said Clerks delivered over to the Clerk of the Judicial Courts for the county of Waldo : And all and every petition, process, matter or thing at the same time pending in the several Courts of Sessions in said county of Hancock, Lincoln, or Kennebec, shall be proceeded on and finally settled in said Courts of Sessions ; and all matters, processes and proceedings then commenced or pending in the several Courts of Probates in said county of Hancock, Lincoln and Kennebec, shall be decided and settled in said Probate Courts in the same manner, as if this act had not passed : And the several Courts, for the above purposes, may issue and direct any and every necessary writ, warrant, commission and process to the officers, magistrates, and citizens of the county of Waldo, which writs, warrants, commissions, and process shall be respected and obeyed by said officers, magistrates and citizens of said county of Waldo, under the same penalties, as if the same issued from said Courts sitting in said County of Waldo.

Taxes already assessed how to be collected & paid.

SECT. 5. *Be it further enacted,* That the several towns and plantations within the county of Waldo, their officers and agents shall pay to the treasurers of the several counties of Hancock, Lincoln or Kennebec respectively, in the same manner as they have paid previous to the passing of this Act, their due proportions of all county

taxes, granted, apportioned and assessed prior to the passing of this Act, and the Courts of Sessions and treasurers in and for the counties of Hancock, Lincoln or Kennebec, respectively, shall have the same power and authority to proceed with and collect from all such towns and plantations, their officers and agents respectively, their due proportion of all such taxes granted, apportioned and assessed as aforesaid: And the treasurers of the respective counties of Hancock, Lincoln or Kennebec, are hereby empowered and directed to proceed in the same manner for the collection of such taxes, and shall have the same power and authority to levy and collect the same, by warrant of distress in due form of law, as they respectively had before the passing of this Act; and all lawful precepts issued by the respective treasurers of the counties of Hancock, Lincoln or Kennebec aforesaid, after the third day of July next, directed to the proper officer or officers within the county of Waldo, for levying and collecting taxes as aforesaid, shall be duly observed by such officer or officers, in the same manner and under the same penalties, as in like cases of precepts issued in any other county in the State, where the treasurer and collector are both inhabitants of the same county.

SECT. 6. *Be it further enacted,* That the several towns, districts and plantations in the counties of Hancock, Lincoln and Kennebec, respectively, shall be holden to pay all county taxes which may be granted, apportioned and assessed for the said counties respectively, for the current year, to the treasurers of the said counties of Hancock, Lincoln or Kennebec, respectively, in the same way and manner as they have been holden to pay, prior to the passing of this Act; and the power and duty of the proper officers of the respective counties of Hancock, Lincoln and Kennebec, shall extend to the towns, districts and plantations in the county of Waldo, so far as

Taxes for the current year how to be collected & paid.

shall be necessary for completing such collections, and the treasurers of the said respective counties are hereby directed and empowered to proceed in the same manner for the collection of such taxes, and shall have the same power and authority to levy and collect the same by warrant of distress, in due form of law, as they respectively had before the passing of this Act; and all lawful precepts issued by the respective treasurers of the counties of Hancock, Lincoln, or Kennebec, after the third day of July next, directed to the proper officer or officers within the county of Waldo, for levying and collecting said taxes as aforesaid, shall be duly observed by such officer or officers in the same manner and under the same penalties as in like cases of precepts issued in any other county of the State, where the treasurer and collector are both inhabitants of the same county; and the respective treasurers of the counties of Hancock, Lincoln or Kennebec shall, after the same taxes are collected, and after a treasurer is chosen and qualified in the county of Waldo, pay over to the said treasurer of the county of Waldo, deducting their commissions therefrom, the money received by them from the towns, districts and plantations within the county of Waldo, which are now situated within their respective counties.

Debts due to be paid, except those contracted for building or repairing certain buildings.

SECT. 7. *Be it further enacted*, That the territory, towns and plantations in the county of Hancock, and the said towns and plantations in the county of Lincoln, and the said towns in the county of Kennebec, included in the county of Waldo, shall respectively be holden to pay their just proportion of all debts that shall be due and owing from the said counties of Hancock, Lincoln or Kennebec respectively, on the third day of July next, excepting any debt or debts which may be due or owing from the counties of Hancock, Lincoln or Kennebec respectively, towards building or repairing a jail, court house, fire

proof, or any county buildings in either of the last aforesaid counties.

SECT. 8. *Be it further enacted,* That the first County Treasurer and Register of Deeds for the county of Waldo, shall be chosen in the same manner and with the same tenure of office as is provided by law, where vacancies happen by death or resignation.

Treasurer and Register of Deeds when to be chosen.

SECT. 9. *Be it further enacted,* That for all purposes relating to the election of Representatives to Congress and of Senators and Representatives to the Legislature of this State, the several portions of the county of Waldo shall be and remain parts of the districts to which they respectively belonged before the passing of this Act.

Congressional & Senatorial Districts to remain as heretofore.

SECT. 10. *Be it further enacted,* That all officers within and for the county of Waldo, having authority to commit any prisoner or debtor to jail, shall be authorized and required, for the term of five years from and after the passing of this Act, if so long required by the county of Waldo, to commit such prisoner or debtor to the jail in the counties of Hancock, Lincoln, or Kennebec, respectively, in the same manner as like officers of the respective counties last aforesaid, were, by law authorized and required to do, before the passing of this Act; and the keepers thereof are hereby authorized and required to receive and detain in their custody all such prisoners and debtors: And all persons so committed to jail in either of the counties of Hancock, Lincoln, or Kennebec, from the county of Waldo, shall be entitled to the same rights and privileges as though they lived or had their homes in the county where committed as aforesaid. And it is hereby required and made the duty of all magistrates and civil officers of the counties of Hancock, Lincoln or Kennebec, respectively, to do and perform all acts and duties relating to such prisoners or debtors, as they are authorized and required by law to do and perform

Prisoners or debtors to be committed as heretofore for five years, &c.

Proviso.

for other prisoners or debtors, arrested or committed within their respective counties: *Provided, however,* That the county of Waldo shall be liable to pay to the respective counties of Hancock, Lincoln or Kennebec, all expense or damage which may or shall rise or accrue from such commitments.

Certain officers now in commission to continue in the new county

SECT. 11. *Be it further enacted,* That all Justices of the Peace and of the Quorum, and all persons appointed to qualify civil officers, all persons appointed to solemnize marriages, and all coroners, duly commissioned and qualified to act as such, within and for the respective counties of Hancock, Lincoln or Kennebec, who shall, when this act takes effect, reside in the county of Waldo, be, and they hereby are authorized and empowered to act as such within and for the county of Waldo, during the time for which they were appointed and commissioned, and agreeably to the tenure of their respective offices.

Justices of the Peace to issue executions, &c. in the new county.

SECT. 12. *Be it further enacted,* That the respective Justices of the Peace for the counties of Hancock, Lincoln or Kennebec, who shall reside in the county of Waldo when this Act takes effect, be, and they hereby are authorized to issue executions on all judgments and recognizances recovered or taken before them respectively; and to do, perform and finish all matters and things commenced or pending before them respectively, in said official capacity, prior to the fourth day of July next, as they might have done had this Act not been passed.

Deeds, &c. where to be registered.

SECT. 13. *Be it further enacted,* That, until a Register of Deeds for the county of Waldo shall be appointed and qualified, all deeds, and conveyances of real estate, and other documents entitled to registry in a Register of Deeds' office for the county of Waldo, may be recorded in such office for the respective counties of Hancock, Lincoln or Kennebec, in the same manner, as if this Act had not been passed; and such registry shall have

the same effect as though recorded by a Register of Deeds for the county of Waldo.

SECT. 14. *Be it further enacted*, That the Governor and Council, within ninety days from and after the passing of this Act, are authorized and empowered to nominate and appoint a Sheriff, a Clerk of the Judicial Courts, Judge and Register of Probate, Justices of the Court of Sessions, and all civil officers, that it is or may be legal for them to appoint for the county of Waldo; who may enter upon the duties of their respective offices from and after the third day of July next.

Certain officers, to be appointed within 90 days.

[*Approved by the Governor, Feb. 7, 1827.*]

CHAPTER CCCLV.

AN ADDITIONAL ACT for securing to owners their property in Logs, Masts, Spars, and other Timber, in certain cases.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That, from and after the passing of this Act, if any person or persons shall take or carry away, or convert to his or their use, any logs, masts, spars or other timber, the same being in or upon the river Kennebec, or any of its tributary streams, or branches, their bays or inlets, contrary to the general provisions of either of the Acts for securing to owners their property in logs, masts, spars and other timber in certain cases, it shall be no justification or ground of defence, in any action commenced therefor, that the log or logs or other timber so taken, were of the description of prize logs, or without a mark. And if any person or persons, shall fraudulently mark any log or other timber, with intent to claim the same as his or their own, he or they shall be considered guilty of taking or converting the same to his or their own use, and shall be liable for every such offence, to be proceeded against in either of

Persons taking logs, &c. in the Kennebec, and prosecuted therefor, it shall be no justification if such were prize logs or not marked.

—fraudulently marking any log, &c. considered guilty of taking: