

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

EIGHTEENTH LEGISLATURE,

JANUARY SESSION, 1838.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:
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1838.

Chapter 328.

AN ACT establishing the County of Franklin.

Territory.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That from and after the date of the proclamation of the Governor as is hereinafter provided, the towns of New Sharon, Chesterville, Wilton, Temple and Farmington in the County of Kennebec; and Jay, Carthage, Weld, Berlin, Madrid, Townships numbered six, Letter E. and D. in the County of Oxford, thence extending northerly from the north-west corner of Letter D. on the line betwixt Townships numbered three and four, through the several ranges of Townships to Canada line, so as to include three tiers of Townships west of the west line of the Bingham Purchase in said County of Oxford; and Industry, New Vineyard, Strong, Avon, Phillips, Freeman, Salem, Kingfield, Townships numbered four in the first Range west of Kingfield, three and four in the second Range and the south half of Township numbered four in the third Range of the Bingham Purchase in the County of Somerset, be and hereby are constituted and made a County by the name of Franklin, whereof Farmington shall be the shire town; and the inhabitants of said territory, towns and plantations, from and after the date of the proclamation of the Governor, as is hereinafter provided, 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.

C. C. Pleas times of holding.

SECT. 2. *Be it further enacted,* That from and after the date of the proclamation of the Governor, as is hereinafter provided, there shall be annually holden at Farmington, within and for said County of Franklin, two terms of the Court of Common Pleas, one on the first Tuesday of September, and the other on the first Tuesday of March; and there shall be annually

held one term of the Supreme Judicial Court at Farmington within and for said County of Franklin, by two or more Justices thereof, on the second Tuesday after the fourth Tuesday of May annually, the first term to be held in the year of our Lord one thousand eight hundred and thirty-nine, at which terms the Justices of said Courts shall have and exercise the same powers and jurisdiction as they now have or may have and exercise in any other county—and after the date of the proclamation of the Governor, as is herein-after provided, there shall be held, annually, meetings of the County Commissioners at Farmington within and for said County of Franklin on the last Tuesday of April and last Tuesday of December, except the first meeting, which first meeting shall be held on the first Tuesday of August next. And the County Commissioners for said County of Franklin shall have and exercise all the powers, and do and perform all the duties, which County Commissioners in other counties do and perform.

S. J. Court time of holding.

C. County Commissioners times of holding.

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.

Court Probate times of holding.

SECT. 4. *Be it further enacted,* That from and after the first day of May in the year of our Lord one thousand eight hundred and thirty-nine, all business and actions, matters and things, commenced and entered in the Supreme Judicial Courts in the counties of Kennebec, Somerset and Oxford; and from and after the first day of August next, all actions, suits, matters and things commenced, entered and pending in the Courts of Common Pleas in the counties of Kennebec, Somerset and Oxford, involving title to real estate situated in the County of Franklin, or where-

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

in the original plaintiff or plaintiffs, petitioner or petitioners, one or more of them lives or resides in the County of Franklin, may be, and all indictments for offences committed in the County of Franklin, 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 Franklin, entered into or pending in either of said Courts, at the times before mentioned, 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 Franklin; and all papers and documents belonging to said actions, cases, suits, indictments, criminal prosecutions and matters filed in the offices of the respective Clerks of the Judicial Courts for the Counties of Kennebec, Somerset and Oxford, shall be by said Clerks delivered over to the Clerk of the Judicial Courts for the County of Franklin—and all and every petition, process, matter or thing, which on the last Tuesday of April next may be pending before the County Commissioners in said Counties of Kennebec, Somerset and Oxford, shall be proceeded on and finally settled by said County Commissioners—and all business which shall be pending before the Courts of Probate in the said Counties of Kennebec, Somerset and Oxford at the time this Act goes into effect, 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 said County of Franklin, which writs, warrants, commissions and process, shall be respected and obeyed by said officers, magistrates and citizens of said County of Franklin under the same penalties, as if the same issued from said Courts sitting in said County of Franklin.

Taxes already assessed how to be collected and paid.

SECT. 5. *Be it further enacted,* That the several towns and plantations, within the County of Frank-

lin, their officers and agents, shall pay to the Treasurers of the several Counties of Kennebec, Somerset and Oxford, 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 said Counties shall have the same right and authority to collect said taxes as though this Act had not passed: *Provided however*, that in case this Act shall go into effect, the towns and plantations within said County of Franklin shall not be held to pay any taxes, which may be assessed for the present year, for the purpose of defraying the expenses or debts of either of said Counties of Somerset, Kennebec or Oxford.

SECT. 6. *Be it further enacted*, That the Supreme Judicial Courts of the Counties of Kennebec, Somerset and Oxford, shall have the same jurisdiction till the second Tuesday after the fourth Tuesday of May, in the year of our Lord one thousand eight hundred and thirty-nine, as if this Act had not passed.

SECT. 7. *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, and Councillors, the several portions of the County of Franklin shall be and remain parts of the districts to which they respectively belonged before the passing of this Act.

SECT. 8 *Be it further enacted*, That all officers within and for the County of Franklin 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 Franklin, to commit such prisoner or debtor to the Jail in the Counties of Kennebec and Somerset, 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

Proviso.

S. J. Courts of Kennebec, Somerset and Oxford to have jurisdiction for a limited time.

Congressional & Senatorial Districts to remain as heretofore.

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

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 Kennebec or Somerset, from the County of Franklin, 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 Kennebec and Somerset respectively to do and perform all acts and duties relating to such prisoners and debtors as they are authorized and required by law to do and perform for other prisoners or debtors arrested or committed within their respective Counties.—*Provided however*, that the County of Franklin shall be liable to pay to the respective Counties of Kennebec and Somerset all expense or damage which may or shall arise or accrue from such commitments.

Proviso.

Treasurer and Register of Deeds how to be chosen.

SECT. 9. *Be it further enacted*, That the first County Treasurer and Register of Deeds for the County of Franklin, shall be chosen in the same manner and with the same tenure of office, as is provided by law when vacancies happen by death or resignation.

Certain officers now in commission to continue in the new county.

SECT. 10. *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 Kennebec, Somerset and Oxford, who shall, when this Act takes effect, reside in the County of Franklin be and they hereby are authorized and empowered to act as such within and for the County of Franklin, 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. 11. *Be it further enacted*, That the respective Justices of the Peace for the counties of Kennebec, Somerset and Oxford, who shall reside in the County of Franklin, when this act takes effect, be, and they hereby are, authorized to issue executions on all judg-

ments 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 date of the Governor's proclamation aforesaid, as they might have done had this act not been passed.

SECT. 12. *Be it further enacted*, That until a Register of Deeds for the County of Franklin 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 Franklin, may be recorded in such office for the respective counties of Kennebec, Somerset and Oxford, 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 Franklin.

Deeds, &c.—
Where to be registered.

SECT. 13. *Be it further enacted*, That the Governor and Council, from and after the passage of this Act, are authorized and empowered to nominate and appoint a Sheriff, a Clerk of the Judicial Courts, Judge and Register of Probate, County Commissioners, and all civil officers that it is or may be legal for them to appoint for the County of Franklin, who may enter upon the duties of their respective offices from and after the time when this Act shall take effect.

Certain officers to be appointed from and after the passage of this act.

SECT. 14. *Be it further enacted*, That this bill shall not go into operation and become a law unless a majority of the legal voters who shall vote on said question within the limits of the proposed new county, and persons in unorganized plantations who would be entitled to vote for senators, were such plantations organized, who shall have the privilege of voting in towns or organized plantations in the vicinity of such [un]organized plantations, shall vote in favor of the same, which votes shall be received, sorted, counted, declared and sealed up in the same manner as votes for Senators to the Legislature of this State, and said votes shall be returned into the Secretary of State's office within fif-

Act not to take effect, unless a majority of legal voters so determine.

Qualification of voters, &c.

Votes when to be returned.

teen days from the time such meeting shall be holden, and it shall be the duty of the Governor and Council to open and examine said votes; and if a majority of the votes legally returned shall be in favor of a new county, the Governor shall proclaim the fact by proclamation, and this Act shall take effect from and after the date of said proclamation. And said town and plantation meetings, for the purposes aforesaid, shall be called and notified in the usual manner, and shall be holden on the second Monday of April next. And it shall be the duty of the Secretary of State forthwith to furnish the selectmen of each town and the assessors of each organized plantation, embraced within the limits of said proposed new county, one printed copy of this Act, and a sufficient number of blank returns.

Town and plantation meetings—how called.

Time of holding same.

Blanks, &c. how furnished.

[Approved by the Governor March 20, 1838.]

Chapter 329.

AN ACT in addition to an Act concerning the public money apportioned to the State of Maine, passed February twenty-eighth in the year eighteen hundred and thirty-eight.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the several cities, towns and plantations in this State, are hereby authorized and empowered to call meetings for the purposes mentioned in said act at other times than in the months of March or April as they may see fit, by giving legal and proper notice of the same.

Cities, &c. authorized to call meetings for certain purposes at other times than in March and April.

[Approved by the Governor March 20, 1838.]

Chapter 330.

AN ACT providing for the appointment of Agents for demanding and receiving fugitives from Justice.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That the Governor of this State, in any case authorized by