

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

EIGHTEENTH LEGISLATURE,

JANUARY SESSION, 1838.

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1838.

Chapter 355.

AN ACT to establish the County of Piscataquis.

SECTION 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That from and after the last day of April next, all that portion of territory lying north of the south lines of Parkman and Wellington, in the County of Somerset, and lying north of the north lines of the towns of Dexter, Garland, Charleston, Bradford, and south line of Kilmarnock, in the County of Penobscot; and bounded east by the east lines of Milton, Kilmarnock and townships numbered four in the eighth and ninth ranges; and thence bounded east by a line running north, from the northeast corner of said township numbered four in the ninth range, to the north line of the State; and bounded on the west by the west lines of Wellington, Kingsbery, Shirley and township number two in the fifth range; and thence bounded west by a line running north, from the northwest corner of said township number two, to the Kennebec River; thence up and by the southerly bank of said river to Moose Head Lake; thence bounded westerly, by the westerly margin of said Lake, to the northwest angle of said Lake—and thence bounded west by a line running north, to the north line of the State—be and the same is hereby constituted and made a County, by the name of Piscataquis—and the inhabitants of said territory, from and after the last day of April next, shall have, possess, use, and enjoy, all the powers, rights and immunities; and be subject to all the duties, which by the constitution and laws of the State, are granted and imposed upon the inhabitants of other Counties.

SECT. 2. *Be it further enacted,* That the town of Dover shall be the shire town of said County of Piscataquis.

SECT. 3. *Be it further enacted,* That from and after the last day of April next, there shall be held at Dover, within and for the County of Piscataquis, an-

Territory.

Name.

Shire town.

nually, one term of the Supreme Judicial Court, to be held by two or more of the Justices of the said Court, on the fourth Tuesday after the fourth Tuesday of May—the first term of said Court, to be held on the fourth Tuesday after the fourth Tuesday in May, in the year of our Lord, one thousand eight hundred and thirty-nine. And after the last day of April next, there shall be held at Dover annually, within and for the County of Piscataquis, two terms of the Court of Common Pleas, to wit: on the third Tuesday in September and the fourth Tuesday in March; the first term thereof, to be held in said County on the third Tuesday in September next. And after the last day of April next, there shall be held annually, on the first Tuesdays of April and December a Court of County Commissioners, at Dover aforesaid; but the first term of said Court of County Commissioners, shall be held at Dover aforesaid, on the first Tuesday in May next. And the Justices of the Supreme Judicial Court, and the Court of Common Pleas, and the County Commissioners of said County of Piscataquis, shall have, exercise and possess, all the powers, and do and perform all the duties, which the Justices of said Courts, respectively, and the County Commissioners of Counties, can have, exercise and perform in other Counties.

S. J. Court time of holding.

C. C. Pleas time of holding.

C. C. Commissioners times of holding.

SECT. 4. *Be it further enacted,* That from and after the last day of April next, there shall be a Court of Probate, in and for said County of Piscataquis, to be held at such time and place, 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 shall exercise the same jurisdiction, and perform the same duties as Judges of Probate, have, exercise and perform in other Counties.

Court of Probate times of holding.

SECT. 5. *Be it further enacted,* That from and after the last day of April next, all suits, matters and things, at that time commenced or pending in the Court of Common Pleas, in the Counties of Penobscot or

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

Somerset, wherein any question to real estate, situate in the County of Piscataquis, 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 Piscataquis, may be, and all recognizances, *scire facias*, and suits, in which the State is a party, and the adverse party lives or resides in the County of Piscataquis, commenced or pending, on or before the last day of April next, in the said Court of Common Pleas, in the respective Counties of Penobscot or Somerset, shall be transferred, to be heard, tried and have day in the Court of Common Pleas to be held in the County of Piscataquis; and all papers and documents, belonging to such actions, suits, indictments, criminal prosecutions and matters, filed in the office of the Clerk of the [Court of] Common Pleas, in the Counties of Penobscot and Somerset, shall be, by the said Clerks, delivered over to the Clerk of the Judicial Courts, for the County of Piscataquis; and all and every petition, process, matter or thing, at the same time pending, in the Courts of County Commissioners, in the Counties of Penobscot and Somerset, the subject matter of which shall be within the County of Piscataquis, shall be proceeded upon and finally settled in the County of Piscataquis.

SECT. 6. *Be it further enacted*, That from and after the passing of this Act, the Supreme Judicial Court to be holden at Bangor, within and for the County of Penobscot, and to be holden at Norridgewock, within and for the County of Somerset, shall be holden at Bangor aforesaid, for the said County of Penobscot and Piscataquis, and at said Norridgewock, for said Counties of Somerset and Piscataquis, and shall from time to time have the same jurisdiction, power and authority, for the trial of all actions, civil and criminal, the cause whereof has arisen, or shall arise, within the body of the County of Piscataquis, and to determine all other matters and things, arisen, or which shall arise, within the body of the County of Piscata-

S. J. Court for Penobscot and Somerset to have jurisdiction.

quis—and shall have the same jurisdiction, thereupon, as might have been had, by said Court, had not this Act passed: *Provided however*, that the provisions of this section, shall not extend beyond the first Monday of June, one thousand eight hundred and thirty-nine.

SECT. 7. *Be it further enacted*, That the several towns and plantations, within the County of Piscataquis, their officers and agents, shall pay to the Treasurers of the Counties of Penobscot and Somerset, respectively, in the same manner as they have paid, previously to the passing of this Act, their due proportion of all taxes, granted, apportioned or assessed, prior to the passing of this Act. And the Treasurers within and for the Counties of Penobscot and Somerset, shall have respectively, 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.

Proviso.

Taxes already assessed how to be collected and paid.

SECT. 8. *Be it further enacted*, That the first County Treasurer and Register of Deeds, for the County of Piscataquis, 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.

Treasurer and Register of Deeds how to be chosen.

SECT. 9. *Be it further enacted*, That for all the purposes of electing Representatives to Congress, and of electing Senators and Representatives to the Legislature of the State, the several portions of the County of Piscataquis, shall 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 Piscataquis, 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 Piscataquis, to commit such prisoner or debtor, to jail in the Counties of Penobscot and Somerset, in the same manner, as like officers of

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

said Counties were by law authorized, and required to do, before the passing of this Act: and the keepers of said jails, are hereby required and authorized to receive and detain in their custody all such prisoners and debtors: *Provided however*, That the County of Piscataquis, shall be liable to pay the Counties of Penobscot and Somerset, all expenses and damages, which shall accrue from such commitments.

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

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 qualified to act as such within and for the Counties of Penobscot and Somerset, who shall when this Act takes effect reside in the County of Piscataquis, be, and they hereby are, authorized and empowered to act as such, within and for the County of Piscataquis, during the term for which they were appointed and commissioned.

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 Penobscot and Somerset, who shall reside in the County of Piscataquis, when this Act shall take effect, be, and they hereby are, authorized to issue executions upon all judgments and recognizances, recovered and taken before them respectively—and to do, perform and finish all matters and things, commenced or pending before them, respectively, in their said official capacity, in the same manner as they might have done, had not this Act passed.

Deeds &c where to be registered.

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

SECT. 14. *Be it further enacted*, That the Gov-

ernor and Council, by or before the last day of April next, are authorized and empowered, to nominate and appoint a Sheriff, Clerk of the Judicial Courts, Judge of Probate, Register of Probate, County Commissioners, and all other civil officers, that are, or may be legal for them to appoint for the County of Piscataquis, who may enter upon the duties of their respective offices from and after the last day of April next.

Certain officers to be appointed on or before the last day of April next.

[Approved by the Governor March 23, 1838.]

Chapter 356.

AN ACT additional to the several Acts now in force, to organize, govern and discipline the Militia of this State.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That the second and third sections of an Act entitled "An Act additional to the several Acts now in force, to organize, govern and discipline the Militia of this State," passed the twenty-third day of March, one thousand eight hundred and thirty-eight, to which this Act is additional, be, and the same are hereby repealed.

Second and third sections of former Act repealed.

[Approved by the Governor March 23, 1838.]