

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

NINETEENTH LEGISLATURE,

JANUARY SESSION, 1839.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

aforesaid in favor of this act then the three first sections of the same shall be void.

Compensation to
Selectmen, how
paid.

SEC. 4. *Be it further enacted*, That the selectmen aforesaid shall receive as compensation for services under this act the same pay per day as is allowed them for official services by said town of Orono. Said compensation to be paid them out of the fund of said tribe.

[*Approved by the Governor, March 16, 1839.*]

Chapter 395.

AN ACT establishing the County of Aroostook.

Territory.

SEC. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled*, That from and after the first day of May next, all that part of the State lying north of the north line of the fourth Range of townships north of the Lottery townships, and east of the dividing line between Ranges five and six west of the east line of the State, and of a line from the north termination of the said dividing line and running the same course, to the north line of the State, be and is hereby constituted and made a County by the name of Aroostook, whereof Houlton shall be the shire town: And the inhabitants of the before described territory, from and after the first day of May next, 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 the State are granted to and imposed upon the inhabitants of other Counties.

Name and shire
town.

SEC. 2. *Be it further enacted*, That the several towns and plantations, their officers and agents, and the owners of lands in unorganized townships, in the County of Aroostook, shall pay to the Treasurers of the Counties of Penobscot and Washington

respectively, in the same manner as they have paid previously to the passing of this act, their due proportion of all taxes and assessments, granted, apportioned or assessed, prior to the passing of this act. And the Treasurers for the Counties of Penobscot and Washington shall, respectively, have the same power and authority, to proceed with, and collect from all such towns and plantations, their officers and agents, and from the owners of lands in such unorganized townships, their due proportion of all such taxes, granted, apportioned and assessed as aforesaid.

Taxes already assessed, how to be collected and paid.

SEC. 3. *Be it further enacted,* That from and after the first day of May next, there shall be held annually, at Houlton, within and for said County of Aroostook, two terms of the District Court, to wit: on the third Tuesday of January and the first Tuesday of July. And after the said first day of May next, there shall be held annually, at Houlton, on the third Tuesday of January, and on the first Tuesday of July, a court of County Commissioners. And the Justices of the District Court, and the County Commissioners of said County of Aroostook, shall have, exercise and possess, all the powers, and do and perform all the duties which Justices of said Court, and the County Commissioners of Counties can have, exercise and perform in other Counties.

District Court, time of holding.

Powers of Justices and County Commissioners.

SEC. 4. *Be it further enacted,* That from and after the first day of May next, there shall be a Court of Probate in and for the County of Aroostook, to be held at such times and places, as shall be designated by the Judge of said Court, and by law, and the Judge of said Court shall have the same powers, exercise the same jurisdiction and perform the same duties as Judges of Probate have, exercise and perform in other Counties.

Court of Probate, time of holding.

SEC. 5. *Be it further enacted,* That from and after the first day of May next, the Supreme Judi-

S. J. Court, time of holding for Counties of Aroostook and Washington.

cial Court to be held within and for the County of Washington, shall be holden for said Counties of Washington and Aroostook, 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 Aroostook, and to determine all other matters and things, which have arisen or may arise within the body of said County of Aroostook; and shall have the same judgment thereupon, as might have been had by the Supreme Judicial Courts held within and for the Counties of Penobscot and Washington, had not this act passed.

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

SEC. 6. *Be it further enacted,* That from and after the first day of May next all actions, suits, matters and things at that time commenced or pending in the Court of Common Pleas or District Court for the County of Washington, wherein any question to real estate in the County of Aroostook is to be tried, or wherein the plaintiff or plaintiffs, petitioner or petitioners, one or more of them reside within the County of Aroostook, and all recognizances, indictments, writs of scire facias, and suits in which the State is a party, and the adverse party lives in the County of Aroostook commenced or pending before the first day of May next, in the Court of Common Pleas or District Court in the County of Washington, or in the County of Penobscot, shall be transferred to be heard and tried, and have day in the District Court to be held in and for the County of Aroostook, and all papers and documents, belonging to such actions, suits, recognizances, indictments and matters filed in the offices of the clerks of the Courts of Common Pleas in Washington and Penobscot Counties, shall be by the said clerks delivered over to the clerk of the Judicial Courts in the County, for the County of Aroostook, and all and every petition, process, matter or thing, at the same time pending in the

Courts of the County Commissioners in the Counties of Washington and Penobscot, the subject matter of which shall be within the County of Aroostook, shall be proceeded upon and finally settled in the county of Aroostook.

SEC. 7. *Be it further enacted,* That all Justices of the Peace and of the Quorum, and all persons appointed to qualify civil officers, and all Coroners, duly qualified to act as such within and for the Counties of Penobscot and Washington, who shall when this act takes effect reside in the County of Aroostook, be and they are hereby authorized and empowered to act as such within and for the County of Aroostook, during the term for which they were appointed and commissioned.

Certain officers now in commission to continue such in the new County.

SEC. 8. *Be it further enacted,* That the respective Justices of the Peace for the Counties of Penobscot and Washington, who shall reside in the County of Aroostook when this act shall take effect, be and they are hereby authorized to issue executions upon all judgments and recognizances recovered and taken before them respectively, and to 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.

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

SEC. 9. *Be it further enacted,* That the first County Treasurer and Register of Deeds for the County of Aroostook, 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.

SEC. 10. *Be it further enacted,* That until a Register of Deeds shall be appointed and qualified, from and after the first day of May next, all deeds and conveyances of real estate, and other documents entitled to registry in the office of Register of Deeds for the County of Aroostook, may be recorded in the Register of Deeds' office in the

Deeds, &c. where to be registered.

North Registry District in the Country of Washington, and such registry shall have the same effect as though recorded in the Register of Deeds' office for the County of Aroostook.

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

SEC. 11. *Be it further enacted*, That all officers within and for the County of Aroostook, 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 Aroostook, to commit such prisoner or debtor to the jail in the County of Penobscot or in the County of Washington, in the same manner as like officers of said last mentioned Counties were by law authorized and required to do before the passing of this act. And the keepers of said jails 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 Penobscot or Washington, from the County of Aroostook, shall be entitled to the same rights and privileges as though they lived or had their home in the County where committed as aforesaid. *Provided however*, that the County of Aroostook shall be liable to pay to the respective Counties of Penobscot and Washington, all expenses or damages which may or shall arise or accrue from such commitment.

Provided.

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

SEC. 12. *Be it further enacted*, That the Governor and Council, previous to the first day of May 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 said County, who may enter upon the duties of their respective offices from and after the first day of May next.