

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

EXTRA SESSION OF THE THIRTY-SECOND LEGISLATURE, 1853,

AND THE

THIRTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE,

1854.

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1854.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1854.

CHAP. 69.

Chapter 69.

An act to increase the salary of the judge of probate for the county of Hancock.

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

Judge of probate,
Hancock county,
salary \$375.

SECT. 1. The judge of probate, in and for the county of Hancock, shall be entitled to receive a salary of three hundred and seventy-five dollars, in quarterly payments, on the first day of January, April, July, and October, in each year, instead of the sum now allowed.

Judge to hold
two terms yearly
in Mt. Desert.

SECT. 2. It shall be the duty of the judge of probate to hold, in addition to the usual probate courts now holden by him, two terms yearly in the town of Mount Desert, at such times as he may designate.

SECT. 3. This act shall take effect and be in force from and after the first day of April, in the year of our Lord one thousand eight hundred and fifty-four.

[Approved April 1, 1854.]

Chapter 70.

An act to establish the county of Sagadahoc.

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

Boundaries.

SECT. 1. The towns of Arrowsic, Bowdoin, Bowdoinham, Georgetown, Woolwich, Perkins, Phippsburg, Richmond, Topsham, West Bath and the city of Bath, all in the county of Lincoln, be and the same are hereby constituted and made a county by the name of Sagadahoc, whereof the shire town shall be as hereinafter provided; and the inhabitants of said territory 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.

Powers, rights
and immunities.

S. J. court.

SECT. 2. From and after the first day of April next there shall be held at the places hereinafter provided, within and for the county of Sagadahoc, two terms of the supreme judicial court, for the trial of civil and criminal business, which said terms of said court shall be holden on the first Tuesday of April and the third Tuesday of August; and one term of the said supreme judicial court for the trial of civil business only

to be holden as aforesaid, on the third Tuesday of December; and the said court shall have the same power and jurisdiction as it has in other counties.

SECT. 3. From and after the first day of April next there shall be holden on the first Tuesday of March, the first Tuesday of July and the first Tuesday of November, the court of county commissioners, at the places herein provided, within and for said county. And the said county commissioners shall have and possess all the powers and perform all the duties which the county commissioners of other counties shall do and perform: *provided, however*, the said court of county commissioners, during the current year, may at times other than as above specified, hold a court at said Bath for the transaction of county business.

Court of county commissioners.

SECT. 4. From and after the first day of April next there shall be a court of probate in and for said county of Sagadahoc, 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, exercise the same jurisdiction, and perform the same duties as judges of probate have, exercise and perform in other counties.

Probate court

SECT. 5. From and after the first day of April next, all suits, matters and things, at that time commenced or pending in the supreme judicial court in the said county of Lincoln, wherein any question to real estate situate in said county of Sagadahoc 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 Sagadahoc, or wherein the defendant or defendants lives or resides in the county of Sagadahoc, and the plaintiff or plaintiffs resides without the limits of this state, and all indictments for offenses committed in the county of Sagadahoc, 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 said county of Sagadahoc, commenced or entered into or pending on or before the said first day of April in said county of Lincoln, shall be transferred to, be entered and have day in and be proceeded upon and tried in the court to be held by law in the county of Sagadahoc, and all papers and documents belonging or pertaining to such actions, cases, suits, indictments, criminal prosecutions, and matters filed in the office of the clerk of judicial court for the county of Lincoln, shall be by the said clerk delivered over to the clerk of the judicial courts for the county of Sagadahoc, when trans-

Certain suits and other matters pending in S. J. court in Lincoln county, transferred.

Papers and documents pertaining thereto.

CHAP. 70.

Certain matters pending in the court of county commissioners for Lincoln county, transferred.

ferred as aforesaid. And all and every petition, process, matter or thing at the aforesaid time pending in the court of county commissioners in the county of Lincoln, the subject matter of which shall be within the county of Sagadahoc, shall be proceeded upon and finally settled in the county of Sagadahoc, and the clerk of the court of county commissioners for Lincoln county shall transfer and deliver to the clerk of the court of county commissioners for said county of Sagadahoc, all said petitions or processes, and all documents in said office relating thereto.

Judicial district

SECT. 6. The said county of Sagadahoc shall be embraced in, and form a part of the middle judicial district.

Powers of civil officers within the limits of said county.

SECT. 7. All justices of the peace, and justices of the peace and of the quorum, 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 county of Lincoln, who shall, when this act takes effect, reside in the county of Sagadahoc, be and they are hereby authorized and empowered to act as such, within and for the county of Sagadahoc, during the time for which they were appointed and empowered, and to do, perform and finish all matters and things pertaining to their said offices respectively, in their said official capacity, in the same manner as they might have done had not this act passed.

Prisoners and debtors to be conveyed to jail in Lincoln county.

SECT. 8. All officers within and for the county of Sagadahoc, having authority to convey 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 Sagadahoc, to convey such debtor or prisoner to jail in the county of Lincoln, in the same manner as like officers in said county are by law authorized and required to do before the passing of this act; and the keeper of said jail is hereby required and authorized to receive and detain in his custody all such prisoners and debtors: *provided, however*, that the county of Sagadahoc shall be liable to pay the county of Lincoln all expenses and damages which shall accrue for such commitments.

Proviso.

May make agreement with Kennebec county for use of jail.

SECT. 9. The said county of Sagadahoc is hereby authorized and empowered to make an agreement with the county of Kennebec, upon such terms as may be agreed upon, for the use of the jail of said county of Kennebec, for the purposes and with the same effect mentioned in the preceding section.

County taxes.

SECT. 10. The several towns within the said county of Sagadahoc, their officers and agents, shall pay to the treasurer

of the county of Sagadahoc, all taxes granted, apportioned or assessed upon the said several towns by the county commissioners for Lincoln county, in the same manner as they would have paid to the treasurer of Lincoln county had not this act passed. And the county commissioners of Lincoln county shall proceed to assess the same amount of taxes upon the several towns in the said county of Sagadahoc for the year of our Lord eighteen hundred and fifty-four, as if this act had not passed.

SECT. 11. Until a register of deeds shall be chosen and qualified, all deeds and conveyances of real estate, and other documents entitled to registry in the registry of deeds in the county of Sagadahoc, may be recorded in the registry of deeds in Topsham in said county of Sagadahoc, in the same manner as if this act had not passed; and such registry shall have the same effect as though recorded in the shire town of said county of Sagadahoc.

Deeds, &c., to be recorded at Topsham until a register is chosen.

SECT. 12. For all the purposes of electing representatives to congress, senators and representatives to the legislature of the state, the several portions of the county of Sagadahoc shall remain parts of the districts to which they respectively belonged before the passing of this act.

Senatorial and representative districts.

SECT. 13. The salary of the judge of probate for the county of Sagadahoc be and the same is hereby established at two hundred dollars; and the salary of the register of probate for said county be and the same hereby is established at three hundred dollars per year; and the salary of the county attorney for said county be and the same is hereby established at the sum of two hundred dollars per year.

Salary of judge of probate.
—register.

SECT. 14. The compensation of sheriff in and for the county of Sagadahoc be and hereby is limited to the sum of four hundred dollars per annum.

Compensation of sheriff.

SECT. 15. The governor and council are hereby authorized and empowered to nominate and appoint a sheriff, judge of probate, and register of probate, and all other civil officers for the said county of Sagadahoc; who may enter upon the duties of their respective offices from and after the first day of April, in the year of our Lord one thousand eight hundred and fifty-four.

Appointment of sheriff, judge and register of probate.

SECT. 16. The first clerk of the judicial courts, the county attorney, county commissioners, county treasurer, and register of deeds for the county of Sagadahoc, shall be appointed in the same manner and with the same tenure of office as is provided by law where vacancies happen by death, resignation or otherwise.

—clerk, attorney, commissioners, treasurer and register.

CHAP. 70.

Western registry
district, Lincoln
county.

Shire town, how
determined.

Grand jurors
now drawn.

SECT. 17. The seventh section of chapter eleven of the revised statutes is hereby repealed.

SECT. 18. For the purpose of determining which of the towns in said county shall be the shire town of said county, the legal voters of the several towns in the same shall, on the first Monday of October next, give in their votes, bearing upon them the name of one of the towns aforesaid, which each voter may prefer. And these votes shall be returned, by the several town clerks, to the county commissioners of said county, within ten days, to be by them counted, and the town having a majority of the votes shall be the shire town; but if neither of said towns shall have a majority, said county commissioners shall notify the selectmen of the several towns of that fact, and the number of votes for each town; and said selectmen shall duly call meetings of their several towns on the first Monday of November next, to determine by ballot which of the towns having the highest number of votes at the first trial, shall constitute the shire town of said county. And the clerks of the several towns shall make return of said votes to the county commissioners, to be by them counted. And said county commissioners shall certify under their hands, to the governor and council, which town has been selected, as aforesaid, to be the shire town of said county, and the governor shall thereupon make proclamation to that effect; and from and after said proclamation the town thus selected shall be the shire town of said county, to all intents and purposes, the same as if it had been designated in this act; but, until the shire town shall be permanently designated as aforesaid, Bath shall be the shire town, and the courts shall be there held, and all county offices there established, until suitable buildings are prepared.

SECT. 19. The grand jurors, now drawn and summoned to attend the supreme judicial court within and for the county of Lincoln, shall serve the term of time for which they were drawn, with the same effect as if this act had never passed.

SECT. 20. This act shall take effect from and after its approval by the governor.

[Approved April 4, 1854.]