

# MAINE STATE LEGISLATURE

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AMENDMENTS

PROPOSED BY THE

**C O M M I T T E E**

ON THE

**REVISED STATUTES,**

AS REPORTED BY THE

**COMMISSIONERS**

APPOINTED TO REVISE THE

**P U B L I C L A W S**

OF THE

**STATE OF MAINE.**

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*AUGUSTA:*

WM. R. SMITH & CO.,.....PRINTERS TO THE STATE.

1840.



## ADVERTISEMENT.

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THE Joint Select Committee of the Legislature on the "Revised Statutes," commenced their session at the capitol on the 4th day of June, and after a patient and laborious examination of the several subjects referred to them, having prepared such amendments as to them seemed expedient, to propose to the Legislature for adoption, adjourned on the 29th day of July.

The amendments and alterations proposed by the Committee being numerous, and in some instances making essential and important variations in the Revised Statutes, as reported by the Commissioners, the Committee were of opinion, that it would greatly facilitate a right understanding of the code, as reported in a new draft, as well as advance the progress of the Legislature in their passage, if each member could be furnished with a copy of the proposed amendments, and thus have the whole subject before him, when called upon to act upon any particular part. With this view, and to avoid delay, the Committee passed an order, "that not exceeding three hundred and fifty copies of the amendments prepared by the Committee, be printed for the use of the Legislature, in a form corresponding with the printed Report of the Commissioners. And that the Chairman be requested to procure the same to be done, under his direction, and that the printer's account therefor be recommended to the Legislature for allowance."

In preparing the amendments for the press, the reporter has aimed at as much brevity as could be had, consistently with perspicuity. Errors in punctuation, and in orthography, and other trivial errors of the press, in the printed copy, are not noted in these amendments, but are intended to be corrected in the report to be made to the Legislature at the adjourned session.

10/10/1919

10/10/1919



# AMENDMENTS.

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## TITLE I.

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### CHAPTER 1.

- Sect. 1*, line 2, after *and*, insert "every statute."  
line 3, erase "and have force."  
lines 5 and 6, erase "and all statutes shall take effect  
at the same time throughout the State."  
3, Rule 1, line 2, erase "the," insert "our."  
Rule 6, lines 2, 3, erase "or common road."  
Rule 7, line 2, erase "city or town," insert "place."  
Rule 10, line 2, after *lands*, insert "all,"—after *heredi-  
taments*, insert "connected therewith."  
Rule 15, line 3, erase "include," insert "mean."  
Rule 17, line 1, after *cities*, insert "and organized plan-  
tations."  
lines 3, 4, erase "such cities and all organized  
plantations," insert "them."  
erase Rule 22.  
Rule 23, to be numbered "22."
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### CHAPTER 2.

- Sect. 2*, line 1, erase "The following," insert "All."  
after *line 8*, erase the remainder of the section.  
6, line 2, after *the* insert "twenty."
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### CHAPTER 3.

- Sect. 2*, line 2, before *council* insert "the."  
4, line 4, erase "this chapter," insert "law."  
Reference, erase "1835, 192, § 1." insert "1828, 393, § 1."

*Sect. 5*, Reference, erase "1835, 192," insert "1828, 393."

8, line 1, erase "shall," insert "may, under the direction of the governor and council."

erase "all," insert "any timber or."

line 2, erase "yearly."

9, erase this section, and in its place insert *Sect. 21, as amended.*"

11, line 1, after *township*, insert "suitable for settlement, whether timber land or not."

lines 3, 4, erase "suitable for settlement, whether timber land or otherwise."

Reference, add 1830, 480, § 2."

13, line 6, after *of*, insert "the."

14, line 6, after *agent*, insert "and shall furnish him with a plan of said survey and allotment, and the land agent." line 7, erase "who."

line 13, after *State*, insert "if the land agent, and the person appointed by the owner cannot agree in the selection, they shall represent the facts to the district court for the county where such lands lie, and said court shall appoint a committee to perform said service, and said committee shall make return of their doings to said court, and, when accepted by said court, the land agent shall cause the same to be recorded as aforesaid."

15, erase this section, and in its place insert section 22.

16, erase this section, and in its place insert the following :

"The present surveyor general shall continue in office according to the tenor of his appointment, and when there shall be a vacancy in the office, the governor, with advice of the council, shall appoint and commission a person to fill the vacancy, who shall hold his office four years, unless sooner removed by the governor and council."

*Sect. 17*, erase this section and in its place insert the following :

"It shall be the duty of the surveyor general to survey, and superintend and direct in surveying, the public lands, and perform the other duties herein provided, for which he shall receive three dollars for each day actually employed in the service of the State."

"1835, 192, § 1." "1840, 70."

*Sect. 18*, erase this section, and in its place insert section 24.

19, erase this section, and in its place insert section 25.

20, erase this section, and in its place insert section 26.

21, transfer this section to the place of section 9.

line 2, erase "and not exceeding three years."

line 3, erase "November," insert "September."

line 6, after *mention*, insert "and no license shall be given for a term exceeding three years."

22, transfer this section to the place of section 15, and in this place insert section 28, as amended.

23, erase this section, and in its place insert section 29.

*Sect.* 24, transfer this section to the place of section 18, and in this place insert section 33, as amended.

25, transfer this section to the place of section 19, and in this place insert section 57, as amended.

26, transfer this section to the place of section 20, and in this place insert section 58, as amended.

27, transfer this section to the place of section 21.

lines 2 and 3, erase "into lots containing one hundred and seventy acres, and seven hundred acres each, as before mentioned."

line 6, erase "growth, soil."

line 9, after *same*, insert said field notes shall contain a description of the growth, soil, and general character of each lot.

Reference, erase "4," insert "5."

In place of this section, insert section 42, as amended.

28, transfer this section to the place of section 22.

line 1, erase "and the above mentioned plans," insert "correct plans,"—after *notes*, insert "of all surveys."

In place of this section insert section 34, as amended.

29, transfer this section to the place of section 23; and in this place insert section 30, as amended.

30, transfer this section to the place of section 29.

line 5, erase "sixty days"—"the intended."

line 9, after *sale* insert "provided that in all townships, where the State is not the owner of at least one half of the land, the several payments may be required in cash, or labor, at the option of the land agent."

In place of this section insert, "The land agent is authorized to sell, as settling land, any lots of land, not surveyed as such, but more suitable for settling than timber lands, in which case the large lots shall be considered equivalent to four settling lots, and shall be subject to the same settling duties." "Resolves, 1839."

*Sect.* 33, transfer this section to the place of section 24.

line 7, erase "or," insert "on."

In place of this section insert section 59, as amended.

34, transfer this section to the place of section 28.

line 4, after *paper*, insert "if such there be."

In place of this section insert section 35.

35, transfer this section to the place of section 34.

In place of this section insert section 36, as amended.

36, transfer this section to the place of section 35.

line 3, erase "thirtieth," insert "twenty-ninth."

In place of this section insert section 37, as amended.

37, transfer this section to the place of section 36.

line 7, after *paper*, insert "if such there be."

In place of this section insert section 38.

38, transfer this section to the place of section 37, and in this place insert section 39, as amended.

39, transfer this section to the place of section 38.



*Sect. 39*, line 2, erase "except as provided in the thirtieth section," insert "excepting to settlers."

In place of this section insert section 40, as amended.

40, transfer this section to the place of section 39.

line 5, after *by*, insert "retaining a lien thereon and by."

In place of this section insert section 41.

41, transfer this section to the place of section 40.

In place of this section insert the following:

"The land agent or his assistants by him authorized in writing, may serve any precepts upon trespassers on the public lands of this State, or the Commonwealth of Massachusetts, or both, wherein this State, or said Commonwealth, or both, may be parties."

"Resolve, March 3, 1829."

*Sect. 42*, transfer this section to the place of section 27.

line 1, erase "and said agent is also authorized," insert

"the land agent, under the direction of the governor and council, is authorized to sell the public lands and to."

line 3, erase "this chapter" insert "law."

In place of this section insert the following:

"The land agent is empowered and required to carry into effect the provisions of a 'Resolve respecting the sale, disposition and management of the public lands belonging to the Commonwealth of Massachusetts and the State of Maine jointly, and of lands belonging to said States in severalty,' approved March 9, 1832."

*Sect. 43*, erase this section, and in its place insert section 44, as amended.

44, transfer this section to the place of section 43.

line 2, erase "said road" insert "the Aroostook road laid out from the military road to the mouth of Fish river."

line 4, erase "centum" insert "cent."

In place of this section insert the following:

"If satisfactory proposals can be obtained, the land agents shall make said road, including bridges and causeways, by contract; and they shall for that purpose give public notice, and describe in such notice the proposed sections of the road, and the manner of making and finishing the same, in all respects, and request proposals therefor; the contractor giving sufficient security to perform the contract; and if the land agents shall not deem it for the interest of the State to accept any proposals, which may be made, they shall cause the same to be constructed by such persons as they may employ."

*Sect. 45*, erase this section and in its place insert section 46.

46, transfer this section to the place of section 45, and in this place insert section 47, as amended.

47, transfer this section to the place of section 46.

Reference, erase "March 4," insert "376."

In place of this section insert section 48, as amended.

48, transfer this section to the place of section 47.

*Sect.* 48, line 4, after *implements*, insert “supplies of provision, or other articles.”

In place of this section insert section 49.

*Sect.* 49, transfer this section to the place of section 48, and in this place insert section 50.

50, to be numbered “49.”

51, to be numbered “50.”

52, to be numbered “51.”

53, to be numbered “52.”

line 4, erase “and appraisal.”

Reference, erase “3,” insert “9.”

54, to be numbered “53.”

line 5, erase “quarterly,”—erase “generally,” insert “annually.”

55, to be numbered “54.”

56, to be numbered “55.”

57, transfer this section to the place of section 25.

line 3, erase “or this State and the Commonwealth of Massachusetts.”

Reference, erase “March 23.”

58, transfer this section to the place of section 26.

line 4, erase “sell,” insert “scale.” Reference, erase “March 23.”

59, transfer this section to the place of section 33.

line 2, before *one*, insert “land not exceeding.”

60, erase this section.

## CHAPTER 4.

*Sect.* 1, line 5, after *library*, erase the remainder of the section.

2, line 6, after *clerk*, add “provided however, that the governor, with advice of the council, may appoint the superintendent of the public buildings as librarian, with a compensation not exceeding one hundred dollars a year. Actions for the breach of any of said regulations may be brought by the secretary of State for the time being, in his own name, for the use of the State; and in case of the death or removal from office of such secretary, the action shall survive, and be prosecuted in like manner, by his successor.”

4, line 5, erase “but no books so taken shall be carried out of the town of Augusta.”

### CHAPTER 5.

- Sect. 3*, line 3, erase "freeholders or."  
line 10, after *of*, insert "the."  
6, line 3, erase "a," insert "some public and,"—erase "or  
in the building, in which the meeting is to be held,"  
insert "in said town."  
9, line 4, erase "discreet."  
line 6, erase "who shall be duly sworn."  
line 8, erase "wardens."  
line 9, erase "clerks of the market," insert "and bark."  
After *constables*, insert, "collectors of taxes, and a  
pound keeper for each pound in said town."  
line 10, after *officers*, insert "who shall be duly sworn."  
10, line 2, before *assessors*, erase "and." After *assessors*,  
insert "treasurer and school committee."  
13, line 1, erase "and," insert "or."  
16. Reference, insert "1821, 114, § 2."  
17, line 4, erase "the moderator," insert "he."  
22, line 3, erase "public worship." After *schools*, insert  
"and."  
27, line 3, before *adjoining*, insert "an."  
line 12, after *and*, insert "the other to."  
line 13, before *secretary*, insert "the."

### CHAPTER 6.

- Sect. 1*. Reference, erase "151," insert "115."  
2. Reference, erase "151," insert "115."  
3, line 1, erase "last," and in line 2, after *then*, insert  
"last."  
line 9, erase "that," insert "as."  
9, line 5, erase "may," insert "shall."  
10, line 3, after *sections*, insert "to be given."  
line 4, erase "to be given in the same manner."  
11, line 1, erase "assessors," insert "selectmen."  
lines 2, 3, erase "place by them notified in the man-  
ner in which town meetings are called," insert, "time  
and place, to be by them notified in the warrant for  
calling the meeting."  
line 6, erase "assessors," insert "selectmen."  
13. Reference, add "189, § 2."  
15, line 1, erase "eleven," insert "ten."  
16, line 4, erase "(5) fifth," insert "five."  
17. Reference, erase "11," insert "1."  
18. Reference, erase "11," insert "1."  
19. Reference, erase "11," insert "1."

- Sect. 20, line 7, erase "against the name."  
 line 10, erase "in," insert "on."
- 22, line 1, erase "or counted."  
 line 3, erase "and."  
 line 5, after *filled*, insert, "but no vote shall be rejected on this account, after it shall have been received into the ballot box."
- 25, line 3, after *as*, insert "are."
- 27, line 8, after *paper*, insert "and votes for persons not eligible to the office."  
 line 9, after *ballots*, insert "yet they shall be recorded, and return thereof made."
- 28, lines 5, 6, erase "county treasurer and register of deeds."
- 39, line 6, erase "said," insert "such."
- 41, line 6, erase "respectfully," insert "respectively,"—erase "town."
- 43, line 3, after *within*, insert "two."  
 line 5, after *appointed*, insert "until a choice shall be effected."
- Reference, add 1840, 60.
- 48, lines 3, 4, 5, erase "certified copies of the lists of votes within ten days after the election, or sooner, if required by the person so elected."
- 49, line 5, erase "convenient."
- 51, line 12, after *section*, insert "twenty-four." After *chapter*, insert "one hundred and thirty-three."  
 Reference, erase "1835," insert "1825."
- 52, line 2, after *section*, insert "twenty-one." After *chapter*, insert "fourteen."  
 line 3, erase "which is part of," insert "adjacent to any town in."  
 lines 3, 4, erase "and adjacent to any town in said district."  
 line 4, erase "claimed to be assessed for taxes," insert "give or send in his name, on or before the first day of June."  
 lines 6, 7, erase "until the first day of May next following the time, when his claim was made."
- 53, line 4, erase "them," insert "him."
- 56, line 3, erase "first," insert "one."
- 61, line 7, erase "to," line 10, erase "to."
- 64, line 3, after *section*, insert "seventy-eight"—line 4, after *chapter*, insert "sixteen."
- 67, line 1, before *within*, insert "or furnish to be drunken."  
 Reference, erase "133," insert "333."
68. Reference, erase "133," insert "333."
69. Reference, erase "133," insert "333."
70. Reference, erase "133," insert "333."

**CHAPTER 7.**

- Sect.* 2, line 5, erase "same."  
3, line 1, after *secretary*, insert "and also the acting secretary appointed as aforesaid."  
line 2, erase "and also the acting secretary appointed as aforesaid."  
5, Reference, erase "1835," insert "1825."  
7, erase the reference.  
8, erase the section, and insert the following:  
"It shall be the duty of the secretary of State to enter in a book kept by him for that purpose, the time when, and by whom, every commission is taken from his office, and also the time when any certificate of qualification for any office as aforesaid shall be filed, or left at his office to be filed; and certify, by himself, or his deputy, the truth of such entries, when thereto required."  
*Sect.* 10, line 3, after *chapter*, insert "eight,"—line 4, erase "discreet and."  
11, line 5, before *said*, insert "officers of the."  
Reference, erase "72," insert "84."
- 

**CHAPTER 8.**

- Sect.* 2, line 2, erase "seventy-five," insert "one hundred and fifty."  
6, line 4, after *of*, insert "the."  
8, lines 3, 4, erase "who is required immediately to transmit the same," insert "to be by him transmitted."  
8, Reference, erase "96," insert "116."  
9, line 5, before *chapter*, insert "fourteenth."  
10, line 3, after *state*, insert "of the."  
12, erase this section.  
13, erase this section.  
14, erase this section.  
15, erase this section.  
16, to be numbered "Sect. 12."  
17, erase this section.
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**CHAPTER 9.**

- Sect.* 1, line 7, after *of*, insert "the."  
3, 4, 5, to be erased.

CHAPTER 10.

Line 6, erase "that." Line 10, erase "such."

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CHAPTER 11.

*Sect. 2*, lines 1, 2, erase "in which there is only one registry of deeds," insert, "and in each registry district described in the seventh, eighth, and ninth sections of this chapter."

line 6, erase "discreet."

3, erase this section, and insert the following :

"The meetings for the election of register of deeds shall be notified, held, and regulated, and the votes received, sorted, counted, declared, and recorded, in the same manner, as votes for representatives; and fair copies of the lists of votes shall be attested by the selectmen and clerks of towns, and assessors and clerks of plantations, and sealed up in open town or plantation meeting, and the town and plantation clerks respectively, shall cause the same to be delivered into the office of the clerk of the county commissioners, on or before the first day of the meeting of said commissioners, next after the said month of September, to be by them opened and compared with the like returns from the several towns and plantations in said county or registry district; and the person having a majority of the votes, shall be declared register of deeds for said county or registry district, and shall hold his office for the term of five years, and until another shall be chosen and duly qualified."

*Sect. 9*, erase this section.

10, to be numbered "Sect. 9,"

line 6, erase "aforesaid."

11, erase this section.

12, to be numbered "Sect. 10."

13, to be numbered "Sect. 11."

lines 2, 3, erase "and more than one of such offices shall be vacant at the same time."

line 6, erase "he shall not be able to perform them himself," insert "the registry is not kept in the shire town."

line 7, after *vacancy*, erase "and," insert "Sect. 12."

line 8, erase "any one," insert "the chairman."

line 14, erase "and the commissioner," insert "Sect. 13. The chairman of the commissioners."

14, line 1, erase "or persons." Line 4, erase "or persons."

15, line 10, erase "presented," insert "prescribed,"—erase "twelfth," insert "tenth and eleventh."

14      AMENDMENTS.—TITLE I. CHAP. 12.

*Sect. 17*, line 5, after *made*, insert "and he shall suffer no deed or instrument for the conveyance of real estate to be altered, amended, or withdrawn, until it is fully recorded and examined."

Reference, erase "109, § 2," insert "98, § 6."

18, line 7, erase this line.

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CHAPTER 12.

*Sect. 1*, line 3, after *law*, insert "Sect. 2."

2, erase this section.

3, erase this section, and insert the following :

"The meetings for the election of county treasurers shall be notified, held, and all proceedings therein regulated, returns made, and proceedings thereon had, as provided in section three, of chapter eleven, for the election of register of deeds."

*Sect. 4*, line 7, after *of*, insert "the."

5, line 4, erase "by ballot."

8, lines 4, 5, 6, 7, 8, erase all after *taxes* in line 4.

9, erase this section.

10, to be numbered "Sect. 9." Line 7, erase "and," insert "Sect. 10."

12, lines 1, 2, erase, "the duty required in the preceding section, he shall forfeit and pay;" insert "any duty required in the three preceding sections, he shall forfeit and pay a sum not exceeding."

14, lines 1, 2, erase "in addition to the account mentioned in the eleventh section of this chapter, shall," insert "shall also."

15, line 1, after *at*, insert "the."

lines 8, 9, erase all after *require*.

17, line 2, after *January*, insert "in some newspaper in the county, if any there be, to be designated by the county commissioners, otherwise."

18, lines 3, 4, 5, erase "and shall pay to the treasurer of the State, all moneys received of persons admitted in the supreme judicial court."

20, line 4, erase "by action of debt," insert "in the manner described in the twelfth section."

23, line 1, erase "exhibit," insert "deliver."

lines 3, 4, 5, 6, 7, erase these lines, and insert, "to the clerk of the county commissioners, to be by him enclosed with the estimates for county taxes made by said commissioners, and transmitted to the secretary of State."

25, Reference, erase "3," insert "9."

26, erase this section.

27, to be numbered "26."

### CHAPTER 13.

*Sect. 2*, lines 3, 4, erase "in some newspaper in the county where the petitioners reside, if any there be, otherwise in an adjoining county," insert "in the newspaper published by the printer to the State."

### CHAPTER 14.

- Sect. 2*, line 1, erase "And," insert "The."  
 3, line 2, add "s," to *section*.  
 4, lines 1, 2, 3, 4, erase all to *unpaid*, in line 4.  
 5, line 1, erase "And."  
 6, line 1, erase "And." After *of*, insert "the." Reference, erase "1," insert "2."  
 7, line 1, erase "And."  
 13, Reference, erase "1822, 183, § 2," insert "1833, 56, § 2."  
 14, line 6, erase "dispose of and."  
 16, line 1, erase "being approved by said commissioners."  
 line 2, erase "their respective clerks," insert "the clerk of said commissioners."  
 line 6, before *secretary*, erase "of," insert "the."  
 line 7, erase "so that the estimates may be," insert "to be by him."  
 lines 8, 9, erase "for their approbation at the session next to be holden."  
 18, line 6, erase "fifth," insert "5."  
 20, erase this section.  
 21, to be numbered "Sect. 20."  
 line 9, erase "and," insert "Sect. 21."  
 line 17, after *person*, insert "of."  
 23, erase lines 1 and 2, and insert, "The assessors, or either of them, may require the person presenting such list to."  
 24, erase lines 1, 2, 3, and "*they*" in line 4, and insert, "The assessors, on application, within one year from the assessment."  
 line 4, before *think*, erase "may."  
 26, line 1, after *assess*, insert "upon."  
 28, line 1, erase "And."  
 29, line 1, erase "And such," insert "The."  
 30, line 1, erase "And."  
 32, line 1, erase "And." Line 3, erase "State," insert "county."  
 33, line 6, erase "the trust," insert "his duty as assessor."  
 After *each*, insert "selectman and."



- Sect.* 33, line 7, erase "that service," insert "the service of the town."
- 35, line 1, erase "And." Line 6, after *assess*, insert "upon."  
line 15, erase "public," insert "State."
- 37, line 1, erase "And."
- 38, line 1, erase "And."
- 39, line 1, erase "And."
- 40, line 1, erase "And."
- 41, line 10, erase "same."
- 43, line 2, after *State*, insert "or county."  
line 3, erase "from which any county tax."  
lines 16, 17, erase "rules and regulations and."
- 45, line 5, before *action*, insert "an."
- 46, line 1, erase "And."
- 48, line 2, erase "it shall be the duty of."  
line 5, after *session*, erase "to," insert "may at their discretion." Erase "the," insert "one of the principal."  
line 6, erase "them," insert "him to notify the other inhabitants."  
line 17, after *commissioners*, insert "which notice it shall be the duty of the petitioners to publish in some newspaper to be designated by the commissioners, three weeks successively, the last publication to be two weeks at least, before the said meeting of the commissioners; and the commissioners, if they see cause, may organize said inhabitants, within such territorial limits as they shall deem proper, and may cause them to assemble in manner as herein before provided."
- 49, line 1, erase "And."
- 54, line 7, after *city*, insert "and town respectively."
- 55, line 11, after *section*, insert "and seven following sections."  
line 18, erase "to," insert "may."
- 61, lines 10, 11, 12, 13, 14, erase after *proportion*, in line 10, to *same*, in line 14, and insert "of the State tax for the year 18—."
- 62, line 3, erase "assessment," insert "assessors."
- 65, erase the first thirty lines.
- 66, line 1, erase "constable or." After *collector*, insert "of taxes, or constable, who may be required to collect taxes."
- 67, line 1, erase "And,"—erase "may require any," insert "shall require such."  
lines 2, 3, erase "he shall give one."  
Reference, add "1836, 212, § 1."
- 68, line 1, erase "decease," insert "die."
- 70, lines 2, 3, erase "in the list committed to any constable or collector, by virtue of the warrant to him given, he,"

insert "the constable or collector, to whom such tax is committed, with a warrant to collect the same."

*Sect. 71*, line 1, erase "And."

72, line 5, erase "he," insert "such constable or collector."  
line 7, erase "he shall."

73, line 1, erase "And,"—line 5, after *him*, insert "as."

74, line 1, erase "And,"—line 2, erase "of payment."  
line 5, after *for*, insert "any."

75, line 1, erase "And."

76, lines 1, 2, 3, erase all before *and* in line 3, and insert  
"For non-payment of taxes, the collector or constable  
may distrain the shares owned by the delinquent in the  
stock of any corporation."

77, line 1, erase "And."

79, line 5, erase "where," insert "when."

line 8, after *for*, insert "the." Line 9, erase "assump-  
set," insert "debt."

80, 81, erase these sections, and insert the following :

"*Sect. 80.* When no person shall appear to discharge the taxes duly assessed on any real estate, within six months from the date of the assessment, the collector shall make a true copy of so much of the assessment, as relates to the taxes due on such real estate, and certify the same to the treasurer of the town."

"*Sect. 81.* The treasurer shall record the same in a book kept for that purpose, and advertise in the newspaper published by the printer to the State, and in some other paper printed in the county, if any there be, the names of the owners, if known by him, with the sum of the taxes on their lands respectively ; and if the owners be not known by him, he shall publish the taxes on the several rights, numbers of lots, or divisions, with such short description as he can conveniently give."

*Sects. 84, 85, 86, 87, 88, 89, 90, 91, 92, 93*, erase these sections, and insert the following :

"*Sect. 84.* The treasurer shall cause the advertisements aforesaid to be published three weeks successively, within three months from the time the collector shall have certified to him the deficiencies as aforesaid."

"*Sect. 85.* Any person may discharge said taxes within four years from the date of the assessment, by paying to the treasurer the taxes with interest, at the rate of twenty-five per cent. per annum, from the date of the assessment, together with costs of advertising, which costs shall be ascertained by adding fifty per cent. to the sums paid to the printer, and if more than one parcel be advertised, by dividing the amount by the number of lots or parcels advertised."

"*Sect. 86.* If any taxes on lands shall remain unpaid for the term of four years from the date of the assessment, the treasurer shall publish notice of the same in the public newspaper of the printer to the State, therein stating the amount of taxes, which have remained due for the space of four years, and the date of the

assessment thereof, and that the land will be forfeited to the town, unless payment of said taxes be made within five years from the date of the assessment."

"Sect. 87. Any person may discharge said taxes, after notice given as aforesaid in the eighty-sixth section, and before the expiration of the five years therein named, by paying as provided in section eighty-five, with the addition of one dollar on each separate lot or parcel, for the notice last mentioned."

"Sect. 88. All real estate shall be held liable to the town for the payment of all taxes legally assessed thereon, together with the interest and costs."

"Sect. 89. If any taxes on any real estate as aforesaid, shall not have been paid to the treasurer of the town within five years next following the date of the assessment, such real estate shall be wholly forfeited, and the title thereof shall vest in the town, free and quit from all claim by any former owner; and the same shall be held and owned by a title which is hereby declared to be perfect and indefeasible; but such town may, at an annual meeting, by vote, release lands so forfeited, or any part thereof, to the former owner, provided he pay to the town all taxes aforesaid thereon, with interest and costs, or so much of the same as the town may deem just and reasonable."

"Sect. 90. It shall be the duty of the treasurer of the town aforesaid to leave with the register of deeds for the county or district in which such land lies, within thirty days from the time of any forfeiture, a certificate, which shall be substantially as follows: I \_\_\_\_\_ treasurer of the town of \_\_\_\_\_ hereby certify that \_\_\_\_\_ was assessed in the year \_\_\_\_\_ as the property of \_\_\_\_\_ in the sum of \_\_\_\_\_ by the assessors of said town, and the same remains unpaid; and the term of five years having elapsed since the date of the assessment, the title to the same has vested in the town aforesaid, free from all claims of any former owners.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18—.

A. B., Treasurer."

"Sect. 91. In any trial at law, or in equity, involving the validity of the title of the town to any land forfeited for non-payment of taxes, it shall be sufficient for the town to produce the assessment, signed by the assessors, and prove that notice of such assessment was advertised by the treasurer, as provided in sections eighty-one and eighty-six of this chapter."

"Sect. 92. If any sum of money shall be assessed, which was not granted and voted for a legal object, with other moneys legally granted and voted to be raised, the assessment shall not thereby be rendered void; nor shall any error, mistake or omission of the assessors, collector, or treasurer, render the assessment void; but any person paying any tax, which was not raised for a legal object, may bring his action against the town in the district court in the county, in which said town may lie, and shall be entitled to recover the sum he was assessed for such illegal object, with twenty-five per cent. interest and costs; and he may bring his action against

the town for any damages he may have sustained by reason of the mistakes, errors, or omissions, of the officers aforesaid, and shall be entitled to recover the damages he may have actually sustained."

"Sect. 93. If such proceedings as directed in sections eighty and eighty-one be not had within the time therein prescribed, they may be had at any time within two years from the assessment of the tax, and the persons owning the real estate, shall in such case have five years from the publication of the notice of the assessment, to redeem the same."

Sect. 94, lines 1, 2, erase "to him."

lines 2, 3, erase "the lands of a non resident so sold," insert "any lands taxed as aforesaid."

erase the 4th, 5th and 6th lines.

95, erase this section.

96, to be numbered "Sect. 95."

line 3, after *and*, insert "shall,"—erase "for the space of,"—erase "same has," insert "lists of assessment have."

line 4, after *committed*, insert "to an officer."

line 6, erase "of such to," insert "thereof."

97, to be numbered "96."

line 3, erase "assumpsit," insert "debt."

98, 99, 100, 101, 102, 103, 104, 105, erase these sections.

106, to be numbered "97."

line 3, after *such*, insert "aid."

107, to be numbered "98,"—line 1, erase "public."

line 2, erase "month," insert "months,"—line 5, erase "of," insert "for,"—erase "to the treasury."

108, to be numbered "99,"—line 1, erase "public."

109, to be numbered "100."

line 9, erase "on request or otherwise,"—line 11, erase "rate," insert "tax."

110, to be numbered "101."

111, to be numbered "102."

112, to be numbered "103,"—line 2, erase "who."

113, to be numbered "104."

114, to be numbered "105."

115, to be numbered "106,"—line 3, after *but*, insert "who."

line 5, erase "he had collected," insert "required."

line 6, erase "in the warrant of the assessors," insert "by law."

116, to be numbered "107."

line 2, after *expired*, insert, "and the same is unpaid,"—erase "is empowered," insert "shall."

line 4, erase "to,"—erase "any collector of either, without further notice," insert "the collector of such town or plantation."

117, to be numbered "108,"—line 2, after *found*, insert "by which."

*Sect.* 117, line 3, after "time," insert "when,"—line 4, after *or*, insert "if,"

line 5, after *jail*, insert "he."

118, to be numbered "109,"—line 1, erase "And."

119, to be numbered "110."

120, to be numbered "111,"—line 1, erase "And."

121, to be numbered "112,"—line 1, erase "And".

122, to be numbered "113."

123, to be numbered "114."

124, to be numbered "115,"—line 13, erase "rates and."

line 19, erase "day,"—line 31, erase "two shillings," insert "forty cents."

125, to be numbered "116,"—line 11, erase "necessarily."  
line 13, erase "toties quoties," insert "as often as occasion occurs."

126, to be numbered "117."

127, to be numbered "118,"—line 1, erase "And."

line 2, before *towns*, insert "counties."

128, to be numbered "119."

line 3, after *state*, insert "or any county, town, plantation or parish."

129, to be numbered "120,"—line 7, erase "posted," insert "posting."

130, to be numbered "121."

131, to be numbered "122."

132, to be numbered "123,"—line 1, erase "produce," insert "proceeds."

line 4, erase "execution or."

lines 5, 6, 7, erase all after *shall* in line 5, and insert,  
"take the body of such deficient collector, constable, or deputy sheriff, and proceed as in cases of execution for debt."

133, to be numbered "124,"—line 1, erase "so," insert "arrested or."

134, to be numbered "125."

135, to be numbered "126,"—line 4, erase "securities as," insert "security as is."

136, to be numbered "127."

137, to be numbered "128."

138, to be numbered "129,"—line 1, erase "But,"—line 3, erase "affirms," insert "declares."

139, to be numbered "130."

line 3, erase "the taxes granted by the legislature," insert "any State or county tax."

140, to be numbered "131."

141, to be numbered "132."

142, to be numbered "133,"—line 3, erase "commitment to jail," insert "arrest."

line 4, erase "commit to jail," insert "arrest."

143, to be numbered "134."

- Sect.* 144, to be numbered "135,"—line 2, after *taxes*, insert "due to the State or county."
- 145, to be numbered "136."
- 146, to be numbered "137,"—line 3, before *which*, insert "to,"—after *are*, insert "entitled."
- 147, to be numbered "138,"—line 1, after *town*, insert "or plantation."
- 148, to be numbered "139."  
line 4, erase "periods at," insert "length of time after the commitment of the tax to the treasurer within."
- 149, to be numbered "140,"—line 1, after *votes*, insert, "and time when such taxes were committed,"—after *up*, insert "by the treasurer."  
line 3, after *aforesaid*, insert, "within seven days after such commitment."
- 150, to be numbered "141,"—line 1, erase "parish," insert "plantation."
- 151, to be numbered "142."
- 152, to be numbered "143."
- 153, to be numbered "144,"—line 3, erase "collector," insert "collection."
- 154, to be numbered "145,"—line 2, erase "then," insert "the."  
Reference, erase "377," insert "337."
- 155, to be numbered "146."  
lines 4, 5, 6, erase all after *plantation* in line 4, and insert, "or to any committee appointed by such town or plantation to examine said accounts, whenever required. And it shall be the duty of such selectmen or assessors to examine such treasurer's accounts, as often as once in three months."  
Reference, erase "377," insert "337."
- 156, erase this section.
- 157, to be numbered "147,"—line 1, erase "Any treasurer," insert "The treasurer of any town."  
line 2, after *county*, insert "in which such town is situated."
- 158, to be numbered "148,"—line 1, erase "or," insert "being also."
- 159, to be numbered "149."
- 160, to be numbered "150,"—line 4, before *as*, insert "fees."
- 161, to be numbered "151,"—line 5, erase "and," insert "provided."
- 162, to be numbered "152."  
line 6, before *interest*, erase "the,"—erase "twelve," insert "twenty."  
line 7, erase "which true value may be proved by witnesses."
- 163, erase this section, and insert the following :

"Sect. 153. Such value may be proved by any other legal evidence, as well as by the event of any sale under such levy."

Sect. 164, to be numbered "154,"—line 5, erase "such," insert "the same."

165, to be numbered "155,"—line 2, erase "and," insert "or."

166, to be numbered "156,"—line 6, erase "equable."

167, to be numbered "157,"—line 1, after *the*, insert "said."  
line 2, after January, insert "any portion of,"—lines 4, 5, erase "an equable," insert "its."

168, to be numbered "158,"—line 2, after *of*, insert "any."

169, to be numbered "159."

## CHAPTER 15.

Sect. 1, line 3, erase "fully," insert "ively."

2, line 2, after *of*, insert "the."

4, Reference, add "1826, 323, § 1."

8, line 6, after *same*, insert "and."

14, line 11, after *proportion*, insert "which may belong to him or her."

16, line 9, after *follows*, insert "———."

17, line 3, erase *ground*, insert "growth."

Reference, erase "1838, 331, § 2," insert "1835, 158, § 4."

18, Reference, erase "1833, 331, § 5," insert "1835, 158, § 5."

21, Reference, erase "March 16," insert "396, § 1."

22, line 1, erase "assessing," insert "assigning."

23, line 1, after *of*, insert "the."

24, Reference, erase "March 13," insert "388."

25, line 5, erase "legislature," insert "governor and council."

Reference, erase "March 13," insert "388."

26, erase this section, and insert the following :

"Said agent in person shall distribute to the distressed poor of the tribe three hundred dollars annually, in sums not to exceed fifty dollars per month, in such portions to each of such distressed persons, as his or her circumstances may seem to demand."

"1840, 80."

Sect. 27, line 1, erase "months of November and December annually," insert "autumn of each year."

line 3, erase "and,"—line 7, erase "hogs."

Reference, erase "March 13," insert "388."

28, Reference, erase "March 13," insert "388."

*Sect.* 29, lines 5, 6, 7, 8, erase all after *chapter*, in line 5.

Reference, erase "March 13," insert "388."

31, line 1, erase "There," insert "Bounties."

line 2, erase "who shall raise," insert "for produce raised by him."

lines 3, 4, erase "the following bounty on the following productions, and at the rate following," insert "as follows."

32, line 4, erase "such indian," insert "him."

33, lines 2, 3, erase "next legislature after such payments are made," insert "governor and council in the month of January, annually."



## TITLE II.

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### CHAPTER 16.

Page 13, line 5, before *In*, insert "Sect. 2."

line 13, after *State*, insert "or any of the United States."

14, *Sect. 2*, to be numbered "*Sect. 3*."

line 12, after *people*, insert "called."

line 46, after *discharged*, insert, "no mariner shall be required to perform military duty, unless at the time of his being warned, he shall have been discharged from some vessel three months."

*Sect. 3*, erase the *number 3*, and annex the section to the previous section.

line 8, erase "hereafter."

line 24, erase "and to," insert "which oath may be administered by the surgeon or surgeon's mate, and ~~be~~ they shall."

4, erase this section, and insert the following :

"All minors of eighteen years of age and upwards, shall be exempted from the performance of all ordinary military duty, by paying each, twenty-five cents annually, to the treasurer of the city, town, or plantation, and depositing with the commandant of the company, within the limits of which they reside, a receipt for the same, on or before the first Tuesday of May annually."

"*Sect. 5*. Any staff officer who after having served three years, has ceased to act as such in consequence of his own resignation, or of the resignation, promotion, or removal, of the officer, who appointed him, may be honorably discharged : and any such officer, who has ceased to act as such, as aforesaid not having served three years, may be exempted from military duty by paying two dollars per year, as provided in the preceding section."

*Sect. 5*, to be numbered "*Sect. 6*." Line 3, before *and*, erase "five."

line 6, after *tions*, insert "and repel invasions."

Over *Sect. 6*, insert "ENROLMENTS."

*Sect. 6*, to be numbered "*Sect. 7*."

7, erase this section.

12, line 1, after *of*, insert "the,"—line 13, after *of*, insert "the."

13, line 3, after *of*, insert "the."

- Sect.* 14, line 11, before *thirty*, insert "eighteen and twenty-one, and between,"—erase "five."  
 line 22, erase "twenty," insert "thirty."  
 line 23, erase "three," insert "six."  
 15, line 2, after *of*, insert "artillery or."  
 19, erase this section.  
 20, to be numbered "19."  
 21, to be numbered "20."  
 22, to be numbered "21."  
 line 26, before *If*, insert "Sect. 22."  
 Over Sect. 31, insert "ARMS AND EQUIPMENTS."  
*Sect.* 33, after *ammunition*, erase "and."  
 34, line 34, after *State*, insert "But no person, so furnished with arms and equipments, shall for that reason be considered a pauper."  
 Over Sect. 37, insert "ARTICLES FURNISHED."  
*Sect.* 37, Reference, erase "1821, 32," insert "1834, 121, § 32."  
 38, line 8, erase "the." Reference, insert "1834, 121, § 32."  
 39, lines 9, 10, erase "forty pounds," insert "seventy-five pounds to those companies, which have two six pounders, fifty pounds to those, which have two four pounders, and forty pounds to those, which have two three pounders."  
 40, line 17, erase "dollars,"—after *twenty*, insert "dollars."  
 line 18, erase "or information."  
 41, lines 2, 3, 4, erase "mayor and aldermen of cities, the selectmen of towns, and the assessors of plantations," insert "treasurer of each city, town and plantation."  
 line 8, erase "fifty cents," insert "one dollar."  
 line 11, erase "fifty cents," insert "one dollar."  
 45, line 24, erase "with," insert "of the brigadier generals and."  
 46, line 6, erase "their," insert "them."  
 56, line 16, after *officer*, insert "or private."  
 57, Reference, erase "1832," insert "1834."  
 61, Reference, insert "1834, 121, § 16."  
 62, after *staff*, insert "or."  
 63, Reference, erase "121, § 16," insert "276, § 2."  
 65, line 9, erase "fifteen," insert "ten."  
 Over Sect. 67, insert "OFFICERS HOW DISCHARGED."  
*Sect.* 67, line 1, before *No*, insert "All military officers, who have been, or may hereafter be commissioned, shall hold their respective offices for a term not longer than five years from the date of their commissions, unless re-appointed or re-elected; and the commander-in-chief shall discharge all such officers accordingly: provided, that in case of vacancy of major general in any division, the commissions of the brigadier generals shall not terminate by the limitation aforesaid, till the office of major general be filled; but."

Sect. 67, line 1, after *discharged*, insert "within the said term of five years."

line 11, erase "in." Reference, add "1840, 24."

71, Reference, erase "1836."

72, Reference, erase "1836."

76, line 5, after *order*, insert "no non commissioned officer or private belonging to any company of militia shall be compelled to attend any muster, inspection, or review, where by so doing he would be obliged to cross any body of water exceeding one mile in width, unless there be a bridge over the same."

Reference, add "1840, 77."

77, line 20, erase "division or brigade."

Reference, add "1834, 121, § 30."

80, Reference, erase "1833, 74, § 1."

88, line 13, after *order*, insert "but no private shall be obliged thus to notify more than once in the same year."

Reference, insert "1834, 121, § 21."

89, erase the reference.

91, line 4, after *and*, insert "on."

line 16, after *appearance*, insert "and if a warrant be issued to an individual, who may have held a commission in this State or any other of the United States, which may not be within the knowledge of the commanding officer of the company in which he is so warned, it shall be his duty to give notice thereof, in manner above provided, or such commission shall not exempt him from such fine as would otherwise be imposed upon him for non appearance."

93, line 21, after *without*, insert "the." Reference, add "50."

Over Sect. 100, insert "PROSECUTIONS FOR FINES AGAINST NON-COMMISSIONED OFFICERS AND PRIVATES."

104, erase the section.

105, to be numbered "104."

106, to be numbered "105."

107, to be numbered "106."

108, to be numbered "107."

line 7, erase "and," insert "Sect. 108."

109, line 1, erase "shall," insert "may."

110, Reference, erase "Passim."

115, line 4, Reference, erase "1835," insert "1834."

line 11, erase "appoint," insert "appointed."

119, lines 10, 11, erase "by consent of the division advocate and respondent."

120, Reference, erase "1838, 249, § 6," insert "1834, 121, § 38."

122, Reference, erase "1834, 121, § 39," insert "1837, 276, § 10."

*Sect.* 124, line 6, after *provided*, insert “and no action for such fine and costs, or either, shall abate in consequence of the death, resignation, removal, or expiration of the term of office, of the division advocate, who may have commenced the same; but such action may be prosecuted afterwards to final judgment, by his successor; and the court, before which the same may be pending, may order such continuances, and amendments, and notices to the successor, as may be necessary, and render such judgment as the rights of the parties may require.”

lines 9, 10, erase “and the compensation of the members shall be as follows:”

125, line 1, before *To*, insert “The compensation of the officers and witnesses shall be as follows:”

lines 3, 4, 5, 6, 7, 8, erase all after *cents* in line 3, and insert, “In addition to his pay for travel and attendance at the session of the court, the division advocate in each case may charge in the pay roll as follows, and no more.”

For drawing charges, and specifications, and filing the same, three dollars.

For preparing the case for trial, three dollars.

Each subpoena, ten cents.

Copies of the case for service on the respondent, one dollar.

Recording the case, two dollars.”

*Sect.* 125, line 16, after *expenses*, insert “for room and stationery.”

line 19, after *State*, insert “to the several persons entitled thereto.”

126, line 1, before *court*, insert “every.”

lines 3, 4, erase “them respectively,” insert “him.”

127, line 5, after *commenced*, insert “but the time of such trial shall in all cases be within sixty days from the time of such arrest.”

128, line 1, before *Any*, insert “If.”

132, lines 6, 7, 8, erase “and being notified thereof, and ordered to march to the place of rendezvous, shall neglect or refuse to obey such orders.”

line 9, erase “as aforesaid,” insert “thereof.”

line 12, after *person*, insert “on being ordered to march to the place of rendezvous.”

136, Reference, insert “1834, 121, § 29.”

137, line 5, erase “and,” insert “of.”

138, line 11, erase “any,” insert “an.”

142, Reference, erase “33,” insert “35.”

53, to be numbered “143.”

143, Art. 3, line 3, after *of*, erase “the,” insert “this.”

## TITLE III.

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### CHAPTER 17.

- Sect.* 3, Reference, erase "5, Pick. 323," insert "1834, 129."  
4, Reference, erase "5, Pick. 323," insert "1834, 129."  
5, Reference, erase "5, Pick. 323," insert "1834, 129."  
6, line 8, erase "preceding."  
7, line 6, after *therein*, insert, "such apportionment to be made."  
line 8, after *attending*, insert "any."  
8, lines 3, 4, erase "may be appropriated to some more general purpose of instruction."  
Reference, erase "1833, 82," insert "1834, 139."  
10, Reference, erase "1833, 82," insert "1834, 139."  
11, line 7, erase "shall," insert "may." Reference, erase "1833, 82," insert "1834, 139."  
12, line 1, after *choose*, insert "by ballot." *more*  
line 3, after *sworn*, insert, "and paid not ~~less~~ than one dollar per day for their services."  
Reference, erase "1833, 82," insert "1834, 139."  
13, Reference, erase "1833, 82," insert "1834, 139."  
14, line 1, erase "island," insert "portion of a town,"—line 3, erase "from the main."  
line 7, erase "on such island,"—line 9, erase "thereon."  
Reference, erase "1833, 82," insert "1834, 129."  
15, line 5, erase "or." Reference, erase "1833, 82," insert "1834, 129."  
16, line 10, erase "two," insert "one,"—line 16, erase "upon."  
line 21, after *district*, insert "provided that no selectman residing in such district shall be allowed to have any voice in the determination."  
Reference, erase "1833, 82," insert "1834, 129."  
17, line 1, after *of*, insert "sixty days,"—line 6, after *as*, insert "the."  
Reference, erase "1833, 82," insert "1834, 129."  
18, Reference, erase "1833, 82," insert "1834, 129."  
19, Reference, erase "1833, 82," insert "1834, 129."

- Sect. 23, line 1, erase "may be called,"—line 4, after *meetings*, insert "may be called."
- 24, line, 6, erase "and also," insert "or."
- 27, line 1, erase "also."
- 33, line 3, erase "the section last but one preceding," insert "section thirty-one."
- 35, line 3, erase "fifth," insert "seven."
- 37, Reference, erase "429," insert "129."
- 38, Reference, erase "429," insert "129."
- 39, Reference, erase "429," insert "129."
- 40, line 2, erase "fourth and fifth," insert "three and five."
- 41, line 2, erase "possess," insert "perform."
- line 6, erase "school masters and mistresses proposing," insert "all candidates offering."
- line 32, after *make*, insert "to the selectmen."
- line 37, after *and*, insert "unless the town shall otherwise direct, to make a written report at the annual meeting, next after their appointment, of the standing of, and progress made in the."
- 42, line 12, after *buildings*, insert "and insurance, unless the district otherwise direct."
- line 15, after *fuel*, insert "and insurance."
- line 18, after *or*, insert "of the,"—line 22, erase "128," insert "129."
- 49, line 1, erase "the space of."
- 51, line 3, after *the*, insert "sixteenth,"—after *chapter*, insert "seventy-seven."
- 52, line 7, erase "of the age of four years and upwards, and under the age of," insert "between the ages of four and."
- line 17, after *children*, erase "of," insert "between."
- 61, line 5, after *in*, insert "an."

After Sect. 61, insert as follows :

"Sect. 62. If any person shall enter any school house, or other place of instruction, during school hours, and shall wilfully interrupt or disturb the teacher or pupils there assembled, by loud speaking, rude or indecent behavior, signs, or gestures, he shall pay a fine not less than two, nor more than twenty dollars, to be recovered by complaint, before any justice of the peace, or by indictment and conviction in the district court. 1840, 66, § 1, 2."

Sect. 62, to be numbered "Sect. 63."

line 5, after *the*, insert "aldermen."

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## CHAPTER 18.

Sect. 1, line 9, after *society*, insert "if any there be, otherwise at such place as the justice may appoint."

30      AMENDMENTS.—TITLE III. CHAP. 18.

*Sect. 4*, line 2, after *assessors*, insert “thereof,”—erase “*such*,” insert “the.”

line 6, erase “they,” insert “the members.”

line 11, erase “after having been,” insert “when no other persons are appointed for that purpose, and shall be.”

6, line 2, after *to*, insert “call a meeting or.”

lines 3, 4, erase “to insert it,” insert “so to do.”

8, lines 5, 6, erase “in the same manner,” insert “by the same rules.”

9, line 1, erase “And,”—line 3, after *trustees*, insert “for the use of such parish.”

12, lines 4, 5, 6, erase all after *same* in line 4.

13, erase this section, and insert the following :

“Any person arriving at the age of twenty-one years, and residing within the limits of any local parish, holding funds derived from the State, or the Commonwealth of Massachusetts, or removing into such parish after being of age, shall be deemed a member thereof, until he voluntarily dissolves his connexion.”

*Sect. 14*, erase this section.

15, to be numbered *Sect. “14,”*—lines 4, 5, erase “and is no longer,” insert “or.”

Insert the following as “*Sect. 15*” :

“*Sect. 15.* Every person ceasing to be a member of any parish, except by removal from the limits of a local parish, shall be liable to be taxed for all monies raised by such parish or society before he ceased to be a member of it.”

*Sect. 17*, erase this section, and insert the following :

“No territorial parish shall be dissolved by the provisions of this chapter.”

*Sect. 18*, erase this section, and insert the following :

“Any person becoming of age, or moving into the limits of any local parish not deriving funds from the State, may become a member thereof by giving notice in writing to the clerk thereof, of his intention so to do, within one year after his becoming of age, or removal thereto, as the case may be.”

*Sect. 19*, erase this section.

20, to be numbered “19.”

21, to be numbered “20.”

line 6, erase “and,” insert “*Sect. 21.*”

line 10, erase “and,” insert “or.”

22, line 1, erase “And.”

23, line 1, erase “But.”

24, line 1, erase “And.”

27, line 5, erase “the same,” insert “like.”

lines 8, 9, 10, 11, 12, erase all after *of* in line 8, and insert “chapter fourteen.”

28, line 1, erase “And,”—lines 3, 4, erase “thirty, sixty, and one hundred and twenty days, after the delivery of the tax bills, or at such other,” insert “such.”

- Sect.* 28, line 5, after *establish*, insert “and the treasurer shall give like public notice of the parish votes.”  
 29, lines 5, 6, 7, 8, 9, 10, erase all after *qualified*, in line 5.  
 30, line 7, after *of*, insert “any of.”

## CHAPTER 19.

*Sect.* 3, erase the section, and insert the following :

“When any meeting house becomes decayed, or remains unoccupied for two years, the owners thereof, having so determined at any legal meeting, may apply to the district court, for leave to sell the same, with or without the land belonging thereto; and the judge, after giving such public notice, as in his opinion the case may require, at his discretion, may order the same to be sold at auction, by such agent as he may appoint, and on such notice as is required for sales of real estate by executors and administrators for payment of debts. The judge shall also appoint three disinterested persons, as commissioners, to ascertain what persons are interested in the said house, and the value of their respective shares, and the amount of debts due from the owners of said house as such, to other persons; the report of which commissioners shall be returned to the court for its acceptance, and the net avails of such sale shall be by the judge ordered to be applied to the payment of the said debts in the first instance, and the residue to be divided amongst the owners ascertained as aforesaid. If any owner shall neglect for two years to apply for his proportion, the same shall be proportionally distributed among the others.”

*Sect.* 4, line 1, erase “or house,”—line 3, erase “be and hereby are,” insert “may be.”

6, lines 2, 3, erase “of his office,” insert “usually incumbent on such officers.”

8, line 3, after *minority*, insert “and owning not less than ten pews.”

line 8, erase “and place of,” insert “place and object of the.”

9, lines 1, 2, 3, 4, erase all to *be*, in line 4, and insert, “At such meeting the owners, who may not be applicants, may designate another justice of the peace of the county, and the two justices may appoint a third person, who shall be disinterested and not.”

line 5, erase “belong,” insert “belonging,”—line 6, after *interested*, insert “and such justices and third person.”

line 8, erase “in no case less than ten pews,” and after *minority*, insert “owning at least ten pews, and.”



CHAPTER 20.

- Sect.* 6, line 4, erase “invested,” insert “invest the same.”  
7, line 1, erase “But,”—line 5, after *grant*, insert “except  
as is provided in the tenth section.”  
9, line 1, erase “And they,” insert “Such trustees.”  
10, line 2, erase “which,”—line 4, after *ministry*, insert  
“or.”  
11, line 1, erase “And,”—line 2, erase “that,” insert “as.”
- 

CHAPTER 21.

- Sect.* 14, line 8, end the section with the word *escape*, and insert  
as reference, “M. R. S. 21, § 26.”  
line 8, erase “And,” insert “Sect. 15.”  
after line 11, erase the reference.  
15, erase the words “Sect. 15,” and unite the section with  
the foregoing.  
18, line 8, after *board*, insert “such vessel.”  
22, line 8, after *up*, insert “to.”  
26, line 3, erase “fourteenth,” insert “fifteen.”  
32, line 11, after *without*, insert “imminent.”  
line 12, erase “of life,”—line 13, erase “to,” insert  
“for.”  
36, lines 4, 5, erase all after *committed*.  
40, 41, 42, 43, 44, erase these sections.
- 

CHAPTER 22.

- Sect.* 2, lines 5, 6, erase “since that time and previously to the  
twenty-second day of April eighteen hundred and  
thirty-eight had received,” insert “has received, or  
hereafter may receive.”  
line 8, erase “had,” insert “may have.”
- 

CHAPTER 23.

- Sect.* 4, line 2, erase “good,”—“and durable,”  
line 4, after *of*, insert “a sum not exceeding.”  
5, line 3, erase “and durable.”

- Sect.* 5, line 4, after *forfeit*, insert "a sum not exceeding."  
 6, line 2, after *neglect*, insert "so."  
 7, line 1, before *Any*, insert "When,"—erase "who."  
 Reference, add, "392."

## CHAPTER 24.

- Sect.* 2, line 3, before *other*, insert "such."  
 5, line 1, erase "And,"—lines 4, 5, erase "of suit, provided that."

## CHAPTER 25.

- Sect.* 1, Reference, add "1839, 367, § 1."  
 4, lines 3, 4, erase "stone monuments being preferred when practicable."  
 7, Reference, erase, "vol. 3," insert "1823."  
 15, line 2, after *highway*, insert "when the damages are."  
 lines, 11, 12, 13, erase "and a reasonable compensation shall be allowed him for the service, by the commissioners, from the treasury of the county."  
 Reference, erase "vol. 3, p. 79, ch." insert "1824."  
 18, Reference, after M. R. S., insert "24, §."  
 19, Reference, erase "267," insert "168."  
 21, line 1, erase "however."  
 23, line 18, Reference, insert "1832, 42, § 1."  
 26, line 4, erase "road," insert "highway."  
 27, line 1, after *towns*, insert "either personally, or by such person or persons as they may appoint."  
 28, erase all the section after *same*, in line 4, and insert "and stating the termini of such road, shall be posted up in two or more public places in the town, and in the vicinity of the proposed route."  
 Reference, erase "68," insert "67."  
 31, line 5, erase "of general benefit, otherwise," insert "a town way, which fact the selectmen shall determine, but if it be a private way."  
 line 6, erase "use," insert "benefit,"—line 7, erase "such," insert "the."  
 line 9, erase damages," insert "rights,"—line 10, after *town*, insert "or party liable to pay."  
 32, line 12, after *parties*, insert "who would have been."  
 Reference, add "1839, 367, § 1."  
 34, Reference, add "1839, 367, § 1."

- Sect.* 35, line 5, erase "five," insert "two."
- 36, Reference, erase "vol. 3," insert "1828."
- 37, line 4, after *months*, erase the remainder of the section.  
Reference, erase "vol. 3," insert "1828."
- 38, Reference, erase "399, § 6," insert "1828, 399, § 5."
- 39, Reference, before 399, insert "1828."
- 40, line 2, erase "or,"—lines 6, 7, erase "a committee of three disinterested freeholders in the same county," insert "an agent."  
lines 10, 11, erase "committee," insert "agent,"—line 12, erase "they," insert "he."  
line 13, erase "their," insert "his,"—line 15, erase "they have," insert "he has."  
line 17, erase "committee," insert "agent,"—line 18, erase "all or any of them," insert "him."  
line 19, erase "others in their stead," insert "another,"—line 20, erase "committee," insert "agent."  
line 22, erase "committee," insert "agent,"—erase "their," insert "his."  
line 23, erase "committee," insert "agent."  
line 24, erase "their," insert "his," *twice*—line 26, erase "them," insert "him."
- 42, line 4, erase "taken and."  
Reference, erase "Vol. 3, p. 249," insert "1831."
- 45, lines 5, 6, erase "one of the newspapers printed in the town of Augusta," insert "the newspaper published by the printer to the State."
- 49, line 4, after *keep*, insert "in repair,"—line 5, erase "in repair."  
line 6, after *townships*, insert "and also all roads, which have been, or may be laid out and made therein by this State, or by this State and the Commonwealth of Massachusetts, or roads therein, the repairs and protection of which this State has assumed, or may assume."
- Reference, add "1840, 87, § 1."
- 50, line 7, after *State*, insert "and shall certify in writing the same facts to the treasurer of the county, where the money is to be expended."  
Reference, add "1840, 8."
- 51, line 6, after *demand*, insert "the owner of any township or part of a township, so assessed, shall have the privilege of expending his tax under the direction of such agent, at any time before the fifteenth day of September, next after such assessment, *provided*, he give notice in writing of his intention, to the agent, on or before the first day of June, of the same year; and any expenditure so made, certified by such agent to the county treasurer, shall be received as payment of so much of his said tax.

Sect. 51, Reference, after 242, erase "1," insert "2,"—add "1840, 87, § 3."

53, line 1, before *The*, insert "In case of failure of payment of any tax, provided in the forty-ninth section of this chapter."

Reference, insert "1836, 242, § 2."

54, Reference, add "1840, 87, § 4."

57, lines 8, 9, erase "or information of the attorney general of the State, or of the attorney of the State."

64, line 1, after *selectmen*, insert "to be,"—line 2, erase, "their," insert "this."

66, line 3, after *day*, insert "of."

69, lines 3, 4, 5, erase "by the selectmen, a triangular sled, not less than ten feet in the base, made of timber not less than ten inches in diameter, or other effectual apparatus of equal width," insert "some effectual apparatus."

lines 8, 9, erase "on such other roads as their towns may direct," insert "break and keep open said roads to the width of at least ten feet."

75, line 5, after estates, insert "as other highway taxes are," After *other*, insert "cash."

Reference, erase "Vol. 3d," insert "1828."

76, Reference, erase "Vol. 3d," insert "1829."

80, Reference, erase "17," insert "16."

81, Reference, erase "17," insert "16."

88, line 8, after *bond*, insert "to the town,"—line 9, erase "to the town."

89, line 12, erase "three hundred," insert "not exceeding one thousand."

Reference, erase "Vol. 3d," insert "1825."

90, line 3, erase "or information,"—line 9, erase "or information."

91, line 1, erase "or information,"—lines 6, 7, erase "or information filed."

92, line 2, erase "in," insert "of,"—erase "for," insert "in."

lines 9, 10, erase "accredited," insert "audited."

Reference, erase "Vol. 3d," insert "1825."

93, Reference, erase "Vol. 3," insert "1825."

94, Reference, erase "Vol. 3," insert "1825."

95, Reference, erase "Vol. 3, 300, § 5," insert "1825, 300 § 4."

96, line 5, after *after*, erase "the." Reference, erase "Vol. 3," insert "1825."

97, line 3, after *way*, insert "or town way."

line 11, after *replaced*, insert "by the person, who removed them."

Reference, erase "1832," insert "1821."

98, Reference, erase, "Vol. 3," insert "1831."

## 36 AMENDMENTS.—TITLE III. CHAP. 26—27.

- Sect.* 99, line 1, erase "Wherever," insert "Whenever."  
101, line 1, erase "for," insert "on,"—line 5, erase "whom,"  
insert "which."  
102, Reference, erase "119," insert "120."  
103, Reference, erase "119," insert "120."  
104, Reference, erase "119," insert "120."  
105, Reference, erase "119," insert "120."  
107, line 7, erase "of," insert "in."  
109, line 4, erase "last."  
115, Reference, insert "1839, 391, § 1."  
116, Reference, insert "1839, 391, § 2."
- 

### CHAPTER 26.

- Sect.* 7, Reference, insert "M. R. S. 51, § 4."  
19, line 8, erase "provided that," insert "but."  
11, Reference, erase "March 23d," insert "371."  
13, line 2, erase "on," insert "or,"—line 6, erase "six-  
teenth," insert "eleven."
- 

### CHAPTER 27.

- Sect.* 2, line 2, before *licenses*, erase "such."  
3, line 4, erase "last."  
4, line 1, erase "of whatever description,"—line 2, erase  
"good," insert "safe."  
5, lines 3, 4, erase "one half to him, who shall prosecute  
for the same, and the other half to the State."  
line 6, after *therefor*, insert "to be recovered in an action  
of debt."  
8, lines 3, 4, 5, erase all after *dollars*.  
9, lines 6, 7, erase "one half to the use of the State, and  
the other half to the prosecutor."  
10, Reference, erase "2," insert "1,"—erase "March 23,"  
insert "410, § 1, 2."  
11, line 4, erase "last." Reference, erase "March 23,"  
insert "410, § 2."  
12, lines 4, 5, 6, erase "one half to the use of the county,  
where such ferry may be, and the other half to the  
use of the person, who may prosecute for the same."  
Reference, erase "March 23," insert "410, § 2."  
14, line 1, erase "individual."  
15, line 4, after *law*, insert "nor at any time shall place any  
weir, or other obstacle."

AMENDMENTS.—TITLE III. CHAP. 28—29. 37

- Sect. 15*, line 10, erase "or." After *craft*, insert "or other obstruction." After *minutes*, insert "if practicable."  
Reference; erase "588," insert "66,"—add "1840, 26."  
16, line 2, erase "or." Reference, erase "588," insert "66."  
17, line 4, erase "freshes," insert "freshets." Reference, insert, "1833, 66, § 3."  
18, erase all the section after *and*, in line 1, and insert, "not otherwise appropriated, shall accrue to the use of the State, and may be recovered by indictment in the district court, in the county where the same may have been incurred."
- 

CHAPTER 28.

- Sect. 1*, Reference, erase "ch."—after 1821, insert "124,"—after 16, insert "§ 1."  
2, Reference, after 1821, insert "124,"—after *M. R. S.*, insert "16."  
3, line 5, after *until*, insert "the." Reference, after 1821, insert "124."  
4, Reference, after 1821, insert "124."  
5, Reference, after 1821, insert "124." After *M. R. S.*, insert "16, §."  
6, Reference, after 1821, insert "124."  
7, Reference, after 1821, insert "124."  
8, Reference, after 1821, insert "124."  
9, Reference, after 1821, insert "124."  
10, Reference, after 1821, insert "124."  
11, Reference, after 1821, insert "124."  
12, Reference, after 1821, insert "124."  
13, Reference, erase "5," insert "124."  
14, 15, 16, 17, 18, 19, 20, 21, 22, 23, Reference, after 1821, insert "124."  
15, erase all the section after *committed*, in line 5.  
19, erase "§ 11," insert "124, § 10."  
22, erase this section.  
23, to be numbered "22."  
24, to be numbered "23."
- 

CHAPTER 29.

- Sect. 1*, line 2, after *and*, insert "also."  
5, line 13, after *they*, insert "shall be."  
9, Reference, after "§," insert 5."

## 38 AMENDMENTS.—TITLE III. CHAP. 30--31.

- Sect.* 11, line 2, erase "depasturing," insert "pasturing."  
15, line 5, erase "to,"—erase "of," insert "for."  
18, Reference, after M. R. S., insert "43, §."  
19, 20, 21, 22, 23, 24, 25, 26, 27, References, after M. R. S., insert "43, §."  
30, Reference, erase "§ 17," insert "43, § 37."  
31, after *lots*, insert "and establish boundaries."  
35, Reference, after M. R. S., insert "43."  
38, erase the section.  
39, to be numbered "33,"—line 1, erase "duly chosen and sworn."  
line 2, erase "unseasonably," insert "unreasonably."  
line 4, erase "whomsoever," insert "any person who."  
40, to be numbered "39." Reference, insert "1821, 44, § 8."
- 

### CHAPTER 30.

- Sect.* 3, line 10, after *owner*, erase "and," insert "or."  
14, line 4, after *lose*, insert "the."  
20, line 6, erase "114," insert "one hundred and thirty."  
23, line 7, erase "on," insert "or."  
24, line 2, erase "affected," insert "effected."
- 

### CHAPTER 31.

- Sect.* 1, line 1, erase "eighteen," insert "twenty-one."

Insert *Sect.* 2, as follows:

"*Sect.* 2. The justices of the peace resident in any town, together with the selectmen of such town, shall have power, from time to time, to direct and order suitable watches to be kept nightly in such town, from such hour in the evening as they shall appoint, until sunrising in the morning; also wards to be kept in the day time and evening, whenever they shall think such watches and wards necessary; such justices and selectmen may designate the time, place, and number, of persons to be employed in any such watch or ward; and they may give orders in writing accordingly, signed by a major part of such justices and selectmen, directed to any constable of the town, requiring him, from time to time, to warn such watch or ward, and to see that all persons summoned do attend, and perform the duty in the manner required; and in the

AMENDMENTS.—TITLE III. CHAP. 32—33. 39

warning thereof to take care, that some able house-holders, or other sufficient persons, be joined in each watch or ward."

Sect. 7, Reference, erase "1829, 434, § 24," insert "1821, 125, § 2."

8, 9, 10, References, erase "1829, 435," insert "1821, 125."

15, Reference, insert "1821, 125, § 10."

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CHAPTER 32.

Sect. 1, line 3, erase "became," insert "become,"—line 19, after *neither*, insert "of."

lines 21, 22, 23, 24, 25, 26, 27, erase these lines.

line 28, erase "Sixth," insert "Fourth."

line 42, erase "Seventh," insert "Fifth."

line 45, erase "town," insert "term."

line 47, erase "Eighth," insert "Sixth."

line 52, erase "Ninth," insert "Seventh."

5, line 6, before *such*, insert "as."

29, line 7, after *before*, insert "written,"—line 12, erase "to."

35, erase "receive," insert "recover,"—line 16, erase "renewed," insert "removed."

36, line 5, after *settlement*, insert "and."

42, line 1, after *in*, insert "all."

49, lines 13, 14, erase "quorum unus," insert "and quorum."

54, line 5, erase "sixty," insert "one hundred,"—line 6, erase "received," insert "recovered."

55, Reference, insert "1821, 122, § 7."

56, line 3, after *of*, insert "such,"—line 21, after *complaint*, insert "in writing."

line 25, after *issue*, insert "his warrant." Before *constable*, insert "to the."

line 27, after *penalty*, insert "and the costs."

line 31, after *the*, insert "amount, all the said penalty and costs, shall pay over the balance to the owner on demand."

Reference, add "1835, 154, § 1, 3."

58, line 4, erase "and," insert "on."

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CHAPTER 33.

Sect. 4, Reference, add "§ 3."

5, line 4, before *not*, insert "shall."

6, Reference, erase "1," insert "2."

9, line 6, after *and*, insert "if excused."

16, line 1, erase "But."

20, line 1, erase "and."



40 AMENDMENTS.—TITLE III. CHAP. 34—36.

CHAPTER 34.

- Sect.* 1, line 3, erase "when and how," insert "or,"—line 5, erase "are," insert "is."  
6, line 5, erase "six," insert "two."  
7, line 3, after *and*, insert "the."  
8, line 6, after *three*, insert "public."
- 

CHAPTER 35.

- Sect.* 4, line 8, erase *three*, insert "six."  
5, line 8, after *effect*, insert "as between the parties to the same, and all other persons, except such as hold and claim under them in good faith, and without notice of the illegality of the consideration of such contract or conveyance." Reference, insert "1821, 18, § 1."  
6, erase this section.  
7, to be numbered "Sect. 6." Reference, insert "1821, 18, § 5."  
8, to be numbered "Sect. 7." Line 1, after *or*, insert "agent of any."  
9, to be numbered "Sect. 8."  
line 3, after *fine*, insert "of,"—line 5, after *or*, insert "before."
- 

CHAPTER 36.

- Sect.* 1, line 2, erase "September," insert "May,"—line 11, erase "September," insert "May."  
2, form, line 2, erase "hold," insert "holden,"—line 6, erase "the," insert "these."  
lines 10, 11, erase "September," insert "May." Reference, insert "1834, 141, § 2."  
6, line 4, erase "and," insert "or."  
11, line 11, before *commissioned*, insert "non."  
19, line 6, erase "that," insert "either."  
20, line 2, after *any*, insert "court of."  
20, 21, 22, References, erase "3 Fairfield, 204."

**CHAPTER 37.**

*Sect. 3*, line 1, erase "Each," insert "Every." Reference, erase "29, § 1."

4, line 7, erase "which mark," insert "for marking which, a stamp."

5, Reference, insert "1821, 29, § 1."

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**CHAPTER 38.**

*Sect. 3*, line 3, after *dollar*, insert "for each offence."

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**CHAPTER 39.**

*Sect. 1*, line 4, erase "or exhibit any living animal, or collection of animals."

line 6, after *provided*, insert "he."

4, line 3, after *of*, erase "the," and insert "such,"—erase "entitled."

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**CHAPTER 40.**

*Sect. 2*, line 5, erase "sheeps or lambs," insert "sheep, lambs, or other domestic animals."

5, line 3, after *sheep*, erase "or." After *lambs*, insert "or other domestic animals."

CHAPTER 42.

*Sect. 1*, line 2, after *wolf*, insert "or bear,"—line 5, after *wolf*, insert "or bear."

line 6, after *wolf*, insert "or bear, as the case may be,"  
—line 8, erase "fifteen," insert "ten."

line 9, erase "same," insert "head of each wolf, and  
two dollars for the head of each bear."

2, line 1, erase "And."

3, line 2, after *wolf*, insert "or bear,"—line 3, after *and*, insert "he shall."

## TITLE IV.

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### CHAPTER 44.

*Sect. 5*, line 6, after *same*, insert, "He may also in behalf of any person interested, present any bill of exchange or other negotiable paper for acceptance, or payment, to any party, on whom the same is drawn, or who may be liable therefor, and notify all endorsers, and other parties to such bill or paper; may record and certify all contracts usually recorded or certified by such notaries; take depositions in the same manner that any justice of the peace and quorum may legally do, grant warrants of survey on vessels, certify country products, and, in general, do all acts to be done by notaries public, by the usages of merchants, and authorized by the laws of the State." Reference, insert "1821, 101, § 3, 4."

6, line 5, after *seal*, insert "and shall be received as evidence of such transaction."

7, line 1, erase "And," insert "On."

line 3, erase "court in same county," insert "courts in the county for which he was appointed."

8, line 1, erase "the executors or administrators," insert "any executor or administrator."

Reference, insert "1821, 101, § 6."

9, line 1, after *person*, insert "shall."

line 3, after *dollars*, insert "and shall be liable for damages to any person injured in an action on the case."

Reference, insert "1821, 101, § 6."

10, line 3, erase "may," insert "to,"—line 4, erase "he," insert "they."

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### CHAPTER 45.

*Sect. 1*, line 3, erase "one," insert "two."

3, line 5, erase "abode," insert "residence."

4, line 2, after *acknowledged*, insert "by all the parties."

#### 44 AMENDMENTS.—TITLE IV. CHAP. 46—47.

- Sect.* 4, line 3, erase "some," insert "the,"—line 4, after *county*, insert "or district."  
5, line 4, erase "some," insert "the,"—line 5, after *county*, insert "or district."  
7, line 5, after *county*, insert "or in the newspaper published by the printer to the State."  
Reference, erase "4," insert "5."  
8, line 1, erase "And."  
15, after *county*, insert "or in the newspaper published by the printer to the State."  
17, line 1, after *No*, insert "voluntary,"—lines 1, 2, erase "except by operation of law."  
Reference, insert "1836, 211, § 10."
- 

#### CHAPTER 46.

- Sect.* 1, Reference, erase "2," insert "1."  
2, Reference, erase "2," insert "1."  
6, Reference, insert "1821, 134, § 3."  
7, Reference, insert "1821, 134, § 1."  
9, Reference, insert "1821, 134, § 4."
- 

#### CHAPTER 47.

- Sect.* 1, line 7, after *office*, insert "All pilots now in commission, shall hold their offices according to the tenor thereof."  
Reference, erase "187, § 5," insert "177, § 1."  
2, Reference, erase "187," insert "177."  
3, line 5, after *informing*, insert "him."  
Reference, erase "187," insert "177."  
4, line 3, after *also*, erase "to." After *transmit*, insert "to."  
Reference, insert "1821, 177, § 3."  
5, line 6, erase "such," insert "the."  
Reference, erase "187," insert "177."  
6, 7, References, erase "187," insert "177."  
10, line 3, after *sections*, insert "and if any loss shall happen to any person from any of the causes mentioned in the eighth section, and the same shall be compensated from the freight or proceeds of the sale of such vessel or both, the owner or owners of such vessel or freight may recover the amount thereof, from the persons to whom the vessel was chartered."

CHAPTER 48.

- Sect. 1*, line 4, after *the*, erase “stern,” insert “stem.”  
 2, lines 1, 2, 3, erase all before *the*, in line 3, and insert,  
 “The master or owner of any boat or lighter, which  
 shall be used or employed, not being marked as re-  
 quired in.”  
 line 5, after *same*, insert “in an action of debt.”  
 4, line 3, erase “to,” insert “shall.”  
 7, line 1, erase “unload or.”

CHAPTER 49.

This chapter is transferred and made “chapter 73,” and in this place is inserted the following :

“CHAPTER 49.”

OF WRECKS AND SHIPWRECKED GOODS.

- Sect. 1*. 1. Appointment of commissioners.  
 2. Their oath and bonds.  
 3, 4. General duties and powers.  
 5. Inventory to be taken—compensation.  
 6. Compensation of other persons in certain cases.  
 7. Adjustment of the compensation.  
 8. Penalty for unauthorized intermeddling.  
 9. Public information of the wreck, &c., to be given.  
 10, 11. In what cases the property may be sold.  
 12. To be delivered to the State treasurer after one year.  
 13. Treasurer to allow the commissioner pay.  
 14. Penalty for the commissioner’s retaining the goods, &c.  
 15. Former commissioners retained in office.

*Sect. 1*. The governor, with consent of the council, may appoint in the several counties, where he may deem it necessary, one or more commissioners of wrecks and shipwrecked goods, who shall be removable at pleasure. “1821, 14, § 5.”

“*Sect. 2*. Each of the said commissioners shall be duly sworn, and shall give bond to the judge of probate of the county, for which he is appointed, for the faithful discharge of his duties ; and any person interested, may have the same remedy for the breach of any such bond, as is given on administrators’ bonds for the settlement of estates of deceased persons.” “1821, 14, § 5.”

“*Sect. 3*. Every such commissioner, immediately on receiving information of any shipwreck, or of finding any shipwrecked goods or property of any kind, to the amount of one hundred dollars or

more, on any of the shores or waters within his county, shall repair to the place where the said property may be found, and in case the same shall not be in the custody of any owner or agent, he shall take charge thereof, and shall secure and preserve the same for the owner.” “1821, 14, § 6.”

“Sect. 4. The commissioner in such case may employ as many persons as he shall think necessary, to assist in preserving the property; and he may appoint guards to receive the property, and may suppress all tumults and disorders; and if any person shall disobey any lawful order of the commissioner, he shall forfeit for every such offence, a sum not exceeding ten dollars, to be recovered in an action on the case, in the name of the commissioner, to the use of the town.” “1821, 14, § 6.”

“Sect. 5. The commissioner shall, on every such occasion, take an inventory of all the property, that shall come to his possession, and when required by the owner of the property or his agent, or by any person interested, he shall make oath to the truth of said inventory, and shall deliver a copy thereof if required, together with all the said property, to the owner, agent, or other person lawfully authorized to receive it; *provided*, there shall be first paid or secured to be paid to the commissioner, a reasonable compensation for his services, and such custom house duties, and other charges, if any, as he shall have paid, or become liable to pay, on account of the property in question.” “1821, 14, § 6.”

“Sect. 6. No person interested in any such property shall be held to pay to any person, other than a commissioner, any compensation for services or expenses in taking, or securing the property, unless it be for property taken or secured before the arrival of the commissioner; in which case the commissioner shall, upon due hearing of all parties interested, determine the amount of compensation, by his award in writing, which shall be final, unless the sum awarded to any party shall exceed fifty dollars.” “1821, 14, § 6.”

“Sect. 7. If the commissioner and the party interested disagree respecting the charges of the commissioner, or if the award made pursuant to the preceding section exceed the sum of fifty dollars, and shall be unsatisfactory to any party, the person aggrieved may appeal to the judge of the district court for the county, where the property is situated, who shall, either in vacation, or term time, decide the case in a summary manner on due notice, and may order the clerk, under the seal of the court, to issue such process as may be necessary, to carry his orders into effect.” “1821, 14, § 6.”

“Sect. 8. If any person shall, after the arrival of a commissioner, take, detain, or intermeddle with any property shipwrecked, or found as aforesaid, except under the direction of the commissioner, or of some person interested, he shall forfeit a sum not exceeding one thousand dollars for each offence, to be recovered in an action of debt, which may be brought by the commissioner, or any person interested, to his own use.” “1821, 14, § 6.”

“Sect. 9. The commissioner, as soon as may be, after his arrival at the place where such property shall be found, shall publish the

particulars of the shipwreck, and the goods found, with such other material facts as he shall ascertain, in such manner as he shall deem best for the information of all parties interested ; in case of neglect, he shall forfeit fifty dollars to the use of any party interested, who shall first sue therefor in an action of debt.” “1821, 14, § 7.”

“Sect. 10. The commissioner may dispose of so much of the property by public auction, within thirty days after taking the same into his custody, as shall be necessary to pay the duties thereon to the custom house.” “1821, 14, § 7.”

“Sect. 11. He may sell by auction, to the best advantage, such of the property, as may be of a perishable nature, whenever necessity may require it, giving reasonable public notice ; and, if practicable, in a public newspaper.” “1821, 14, § 7.”

“Sect. 12. If no person interested shall appear within one year after such property shall have been taken into the custody of the commissioner, and establish his claim thereto, the commissioner shall present, under oath, to the treasurer of the State, an inventory of the property : and if sold, an account of the sales, with an account of all moneys paid by him as duties and expenses on the same, and he shall pay and deliver to the treasurer the balance of such accounts, with all the property remaining in his hands, for the use of the State.” “1821, 14, § 7.”

“Sect. 13. The treasurer may make the commissioner such compensation for his services, as shall be just, to be ascertained in case of disagreement between the treasurer and commissioner, in the manner provided in the cases mentioned in the seventh section.”

1821, 14, § 7.

“Sect. 14. If any commissioner shall, for the space of sixty days, after the expiration of the year herein before limited, for his accounting with the treasurer, neglect to comply with the provisions of the twelfth section, the treasurer shall cause a suit to be commenced therefor, for the use of the State, and shall prosecute the same to final judgment and execution.” “1821, 14, § 7.”

“Sect. 15. All commissioners heretofore appointed, shall remain in office, subject to its previous limitation.”

## CHAPTER 50.

Sect. 4, line 4, after *and*, insert “they.”

6, line 6, erase “exceeding thirty barrels.”

11, Reference, insert “1821, 148, § 3.”

13, line 2, erase “salt.”

14, line 5, erase “chimes,” insert “chines.” Reference, erase “307,” insert “387.”

15, Reference, insert “1821, 148, § 4.”



## 48 AMENDMENTS.—TITLE IV. CHAP. 51—53.

- Sect.* 20, line 3, erase "to."  
21, line 4, erase "to," insert "and."  
23, Reference, erase "16," insert "6."  
31, Reference, insert "1821, 148, § 11."  
32, lines 8, 9, erase all after *dollars*.  
34, line 8, after *pork*, insert "is."  
36, line 3, after *in*, insert "his."  
37, line 7, after *chapter*, insert "one hundred and thirty-two."  
43, line 3, erase "and."  
44, Reference, insert "1821, 148, § 21."
- 

### CHAPTER 51.

- Sect.* 1, line 2, erase "to hold the same," insert "in office."  
Reference, add "§ 3."  
2, line 3, after *of*, insert "the."  
15, line 9, erase "similar," insert "such."
- 

### CHAPTER 52.

- Sect.* 2, line 3, after *of*, insert "the." line 5, erase "and."  
4, line 4, after *all*, insert "of."  
7, line 5, erase "pealty," insert "penalty."  
10, Reference, erase "4," insert "5."
- 

### CHAPTER 53.

- Sect.* 2, line 2, before *council*, insert "the."  
7, Reference, erase "142," insert "149."  
8, line 3, after *distinguish*, insert "according to the quality, either."  
Reference, erase "142," insert "149."  
9, line 3, erase "ask," insert "ash."  
16, Reference, erase "7," insert "6."  
17, Reference, after "§," insert "7."  
21, line 5, after *made*, insert "up." Reference, insert "1821, 149, § 12."

CHAPTER 54.

- Sect.* 14, line 7, erase "then," insert "three."  
16, Reference, erase "1834, 114, § 2," insert "1822, 201, § 1. 1831, 488, § 1."  
19, Reference, erase "1824, 276, § 1."  
22, line 2, erase "other,"—line 3, erase "nineteenth," insert "nineteen."  
23, line 2, erase "so," insert "as."  
25, erase "inspector," insert "person."  
27, 28, Reference, erase "75," insert "57."
- 

CHAPTER 55.

- Sect.* 2, line 2, after *of*, insert "the." Reference, insert "1821, 157, § 1."  
4, Reference, insert "1821, 157, § 2."  
5, Reference, erase "2," insert "1."  
13, Reference, erase "10," insert "9."  
19, Reference, insert "1821, 157, § 14."  
20, line 1, erase "May," insert "January."  
lines 6, 7, 8, erase all after *annually*. Reference, insert "1821, 157, § 14."
- 

CHAPTER 56.

- Sect.* 2, line 3, after *of*, insert "the."  
3, line 4, after *shall*, insert "take." Reference, insert "1821, 154, § 1."  
10, line 4, erase "and was intended for exportation."  
14, after *for*, insert "the."  
17, line 1, after *onions*, insert "in bunches."
- 

CHAPTER 57.

- Sect.* 2, line 2, after *of*, insert "the."  
6, 7, 8, 9, 10, 11, References, erase "105," insert "155."  
8, line 1, erase "And."  
9, line 1, after *seed*, insert "is,"—line 4, erase "improved," insert "approved."

50 AMENDMENTS.—TITLE IV. CHAP. 58—60.

CHAPTER 58.

- Sect.* 1, Reference, add “§ 1.”  
2, line 3, after *of*, insert “the.”  
13, line 3, after *out*, insert “or obliterating.”
- 

CHAPTER 59.

- Sect.* 1, line 4, after *town*, insert “where clams are packed for exportation.”  
Reference, erase “1829,” insert “1839, 379, § 1.”  
2, 3, 4, References, erase “1829,” insert “1839, 379.”  
5, Reference, insert “1839, 379, § 4.”  
6, Reference, insert “1839, 379, § 5.”
- 

CHAPTER 60.

- Sect.* 1, line 3, after *together*, insert “a cord of wood or bark.”  
2, erase this section.  
3, to be numbered “Sect. 2.”  
line 2, erase “offered for sale,” insert “sold and delivered.”  
4, to be numbered “3.”  
5, to be numbered “4.”  
6, to be numbered “5,”—line 6, after *or*, insert “give.”  
7, to be numbered “6.”  
8, to be numbered “7.”  
9, to be numbered “8.”  
10, to be numbered “9.”  
line 2, after *sale*, insert “shall be sealed by the scaler of the town, where the person using the same usually resides and.”  
line 6, after *first and*, insert “in measuring charcoal for sale.”  
lines 6, 7, erase all after *heaped*.  
11, to be numbered “10.”—lines 3, 4, erase “and the basket shall be destroyed.”  
12, to be numbered “11.”



- Sect.* 13, to be numbered "12,"—line 1, after *of*, erase "any."  
line 2, erase "duly appointed and qualified for any city  
or town."  
14, erase this section.  
15, to be numbered "13,"—lines 1, 2, erase "the fifth and  
thirteenth sections," insert "this chapter."  
Reference, insert "1821, 160, § 3, 5, 6."  
16, to be numbered "14." Reference, insert "1821, 160,  
§ 9."
- 

## CHAPTER 61.

- Sect.* 3, line 7, after *in*, insert "the."  
4, erase this section.  
5, to be numbered "Sect. 4."  
6, to be numbered "5,"—line 9, erase "person," insert  
"purpose."  
7, to be numbered "6."  
8, to be numbered "7."  
9, to be numbered "8."  
10, to be numbered "9."

Add the following sections:

"*Sect.* 10. County commissioners in their respective counties shall, from time to time examine all dams and obstructions in rivers, and streams emptying into rivers, in which salmon, shad, and alewives abound, and after notice in writing to one or more of the parties interested, and a hearing thereon, shall decide what would be a suitable fishway, in such dam or obstruction, but such fishway shall not exceed one foot in fifteen of the width of the river or stream at that place; *provided*, that no such examination shall be made, except upon the written application of three or more responsible individuals, who shall be held to pay all the expenses of such examination to said commissioners, if they shall decide that no alteration of said dam or other obstruction is demanded by the public good."  
"1840, 16, § 1."

"*Sect.* 11. After a decision that such fishway shall be made, and twenty days notice thereof published in a newspaper, printed in the county, if any, otherwise in the newspaper published by the printer to the State, requiring the owner of any such dam or other obstruction, to build such fishway, and keep the same open, and a neglect of such owner for said twenty days to build the same, the county commissioners shall build such fishway, and notify said owner thereof, and of the expense of building the same."

"1840, 16, § 1."

"*Sect. 12.* If said owner shall neglect to pay said expense to the treasurer of the county for thirty days after said notice, the treasurer shall pay the same, and the county attorney shall recover the same in an action on the case against said owner, in the name of the county, together with costs, and twelve per cent. interest on the amount so paid. And the county shall have a lien on the mills and other property situated on said dam or other obstruction, whether belonging to said owner or not, commencing from the time when said fishway is opened." "1840, 16, § 1."

"*Sect. 13.* The county commissioners shall define in writing the extent and limits of any such fishway, and cause the same to be entered on the records of the town, where it is situated."

"1840, 16, § 2."

"*Sect. 14.* If any person shall take any salmon, shad, or alewives in any such fishway, or within twenty feet on each side thereof, extending and keeping the same width fifty feet above, or below such dam or other obstruction; or shall, by placing impediments in or near such fishway, hinder the passage of such fish through the same between the first day of May, and the fifteenth day of July, in any year, he shall forfeit not less than five, nor more than ten dollars for each offence."

"1840, 16, § 2."

"*Sect. 15.* All weirs shall be stripped, so as to admit a free passage of fish through the same, by the fifteenth day of July in each year. And the owner of any such weir, who shall neglect so to strip the same, shall forfeit not less than five, nor more than ten dollars for every day, until the same is stripped as aforesaid. The penalties named in this and the preceding sections, shall be recovered in an action of debt, in the name, and to the use of the county."

"1840, 16, § 2."

"*Sect. 16.* Any person aggrieved by the decision of the commissioners in the cases herein before specified, may appeal to the supreme judicial court, which may reverse, modify, or confirm such decision. The party appealing shall recognize as in other cases of appeal, and if he does not prosecute the same, the decision of the commissioners shall be final and in full force."

"1840, 16, § 1."

"*Sect. 17.* The county commissioners of Hancock and Penobscot shall have joint jurisdiction of the rivers and streams within the limits of their respective counties; and in case said commissioners are equally divided in opinion, they shall certify that fact to the supreme judicial court, at the next term thereof holden within the county where the dam or other obstruction complained of is situated; and the decision of said court thereon shall be final."

CHAPTER 62.

- Sect.* 2, line 1, after *of*, insert "the." Reference, insert "1821, 162, § 1."  
3, after *and*, insert "he."  
5, Reference, insert "1821, 162, § 4."
- 

CHAPTER 63.

- Sect.* 1, line 4, erase all the section after *in*, in line 4, and insert,  
"parcels of half reams, one ream, or two reams, each  
half ream to contain ten quires, each ream twenty  
quires, and each quire twenty four sheets."  
2, erase this section, and insert the following:  
"On the wrapper of each parcel shall be legibly printed or  
stamped the name of the manufacturer, and his place of residence;  
also the quantity and quality of paper contained in the same."  
*Sect.* 3, line 2, erase "stamped or." After *packed*, insert "and  
printed or stamped."  
Reference, insert "1821, 163, § 2."  
4, Reference, erase "3," insert "2."  
5, line 1, erase "And." Before *stamped*, insert "printed  
or."  
Reference, insert "1821, 163, § 2."
- 

CHAPTER 64.

- Sect.* 4, line 3, erase "their," insert "the."
- 

CHAPTER 65.

- Sect.* 1, erase this section.  
2, to be numbered "Sect. 1."  
3, to be numbered "Sect. 2,"—line 3, erase "or," insert  
"on."  
4, to be numbered "3."  
5, to be numbered "4."  
6, to be numbered "5."  
7, to be numbered "6."

CHAPTER 66.

- Sect.* 3, line 1, after *boards*, insert “except sheathing boards.”  
6, line 2, erase “eighteen,” insert “sixteen,”—line 3, erase  
“half,” insert “three eighths of.”  
line 8, after *shaved*, insert “or sawed.”  
19, erase “to him by,” insert “by him to.”  
20, lines 3, 4, erase “who shall purchase or receive delivery  
thereof, or who shall ship off, or attempt,” insert “ship-  
ping off, or attempting.”  
23, Reference, insert “1821, 158, § 7.”  
25, Reference, erase “1824,” insert “1821.”  
27, line 7, after *chapter*, insert “one hundred and thirty-two.”
- 

CHAPTER 67.

- Sect.* 2, line 7, erase “256,” insert “one hundred and fifty-six.”  
6, line 7, after *in*, insert “an.”
- 

CHAPTER 69.

- Sect.* 1, line 4, after *rate*, insert “for a greater or less sum, and.”  
2, Reference, erase “132,” insert “122.”  
3, line 1, erase “And,”—line 3, after *day*, insert “of.”  
line 14, erase “willingly,” insert “wittingly.” Reference,  
erase “132,” insert “122.”  
4, 5, 6, 7, References, erase “1836, 132,” insert “1834,  
122.”  
6, line 3, erase “reserved,” insert “received.”  
8, Reference, insert “1834, 122, § 4.”
- 

CHAPTER 71.

- Sect.* 2, line 1, erase “all.” Reference, erase “1834,” insert  
“1836.”

CHAPTER 72.

Erase this chapter.

CHAPTER 73, to be numbered "72."

*Title*, after *BAGA*, insert "SUGAR BEETS." After *WURTZEL*, insert "AND RYE AND INDIAN MEAL."

*Sect.* 1, line 1, after *baga*, insert "sugar beets."

2, line 2, after *chapter*, insert "he." Reference, insert "1833, 309, § 1, 2."

Insert another section as follows :

"*Sect.* 3. The standard weight of all rye and indian meal, offered for sale, shall be fifty pounds per bushel." "1836, 247."

Transfer to this place Chapter 49, numbered as

"CHAPTER 73."

*Sect.* 1, Reference, erase "March 2," insert "375."

2, Reference, erase "1836, March 2," insert "1839, 375, § 2."

3, Reference, erase "1839, March 3," insert "1839, 375, § 3."

4, line 2, after *cause*, insert "to be had,"—line 6, after *bushel*, insert "one half bushel."

lines 12, 13, erase "of the peck not less than nine inches, containing four Winchester quarts," insert, "of the half bushel, not less than thirteen inches and three quarters, containing sixteen Winchester quarts; of the peck, not less than ten inches and three quarters, containing eight Winchester quarts; and of the half peck, not less than nine inches, containing four Winchester quarts."

6, line 4, after *weights*, insert "and measures,"—line 5, after *weights*, insert "and measures."

Reference, erase "March 2," insert "375, § 4."

9, line 7, after *forty*, insert "and if the same has not been done since the second day of March, in the year eighteen hundred and thirty-nine, he shall have the same done immediately."

Reference, insert "1839, 375, § 4."



56 AMENDMENTS.—TITLE IV. CHAP. 74—75.

- Sect.* 11, line 1, erase "in the premises," insert "acquired in the preceding sections."  
13, line 3, after *refuse*, insert "for seven days,"—line 4, erase "for seven days."  
14, line 2, after *office*, insert "under the twelfth section."  
15, erase this section.  
16, to be numbered "Sect. 15."  
17, to be numbered "16."  
line 7, after *deface*, insert "or destroy, unless he can bring them to the just standard."  
18, to be numbered "17."  
19, to be numbered "18,"—lines 3, 4, erase "poor of the place," insert "town."  
20, to be numbered "19." Erase "And."  
21, to be numbered "20,"—line 2, erase "and," insert "or,"—line 3, erase "or," insert "and."  
line 5, after *and*, insert "the."  
22, to be numbered "21."  
23, to be numbered "22."
- 

CHAPTER 74.

- Sect.* 1, line 2, after *be*, insert "sold as and for,"—line 3, after *to*, insert "be."  
2, line 6, erase all after *recovered*, insert "in an action on the case."  
3, line 2, erase "has," insert "may have."
- 

CHAPTER 75.

- Sect.* 1, line 1, after *other*, insert "*person*."  
4, lines 5, 6, 7, erase all after *character*, to and including *license*,—lines 8, 9, erase all after *ware*.  
6, 7, 8, 9, 10, 11, 12, erase these sections.

## TITLE V.

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### CHAPTER 76.

- Sect.* 6, Reference, add "44, § 2."  
8, Reference, erase "155," insert "151." After *M. R. S.*, add "44, § 4."  
9, Reference, after *M. R. S.*, add "44, § 4."  
12, Reference, after *M. R. S.*, insert "44, § 6."  
13, line 10, erase "so made."  
15, line 1, after *If*, insert "any."  
17, line 6, after *four*, insert "one hundred and fourteen, and one hundred and seventeen."  
Reference, erase, "13 to 16," insert "2, 9, 10, 13, 14, 15, 16."  
19, line 10, after *attachable*, insert "corporate."  
22, line 10, erase, "his election," insert "the election of the party."  
24, Reference, erase "March 21," insert "400, § 1."  
25, lines 3, 4, erase "shall have jurisdiction in chancery of such application and."  
27, line 1, erase "receivers," insert "trustees,"—line 7 erase "receivers," insert "trustees."  
29, line 8, erase "117," insert "one hundred and seventeen."  
30, line 1, erase "incorporation," insert "corporation."  
Reference, erase "March 14," insert "400 § 3."  
31, line 2, erase "county," insert "country,"—line 4, after *the*, insert "same."  
line 8, erase "114," insert "one hundred and fourteen."
- 

### CHAPTER 77.

- Sect.* 10, Reference, insert "1831, 519, § 3."  
14, line 3, erase "117," insert "one hundred and fourteen, and one hundred and seventeen."  
Reference, erase "8," insert "18."

- Sect.* 15, line 6, erase "also." After *four*, insert "and one hundred and fourteen."
- 17, lines 5, 6, erase "shall be in the same form, except verbal alterations to conform to the case."
- line 8, after *chapter*, insert "fourteen, section one hundred and twenty-seven."
- Reference, insert "1831, 519, § 16."
- 18, line 7, after *or*, insert "in."
- 43, line 6, erase *of*, insert "or."
- 46, line 13, erase "in," insert "on."
- 52, under head *Due from the bank*, after *Balances due*, erase "from," insert "to."
- Reference, insert "1831, 519, § 22. 1832, 52, § 2. 1836, 231, § 6."
- 57, erase the reference.
- 58, line 1, after *of*, erase "the."
- 59, Reference, erase "23," insert "24,"—erase "519," insert "80."
- 60, line 1, after *of*, erase "the."
- 61, line 4, erase "such."
- 66, line 7, erase "fortieth," insert "forty."
- 71, line 3, erase "eight," insert "six."
- 74, line 4, erase "ninth," insert "eighth."
- 81, Reference, erase "221," insert "231,"—erase "1831," insert "1821."
- 82, line 18, after *for*, insert "a,"—line 22, erase "of," insert "belonging to."

## CHAPTER 78.

- Sect.* 2, Reference, add "38, § 2."
- 3, Reference, insert "M. R. S. 38, § 3."
- 4, Reference, add "M. R. S. 38, § 4."
- 7, line 2, erase "hereinafter," insert "hereafter."
- 8, line 3, erase "by," insert "and."
- 10, 11, 12, References, erase, "1838," insert "1821."
- 12, after *county*, insert "or in the newspaper published by the printer to the State."
- 15, line 4, erase "of,"—erase "belonging," insert "due."
- 20, line 4, erase "purchase," insert "produce."
- 21, line 4, erase "to,"—line 5, after *any*, insert "such."

CHAPTER 79.

- Sect.* 2, Reference, erase "1832, 272, § 3, 4," insert "M. R. S. 37, § 3."  
 3, Reference, erase "1832, 272, § 3," insert "M. R. S. 37, § 5."  
 4, Reference, erase "1832, 272, § 4," insert "M. R. S. 37, § 6."  
 5, Reference, erase "1832, 272, § 5."  
 10, line 7, erase "on," insert "or."  
 11, Reference, insert "1821, 139, § 3."  
 13, line 3, after *at*, insert "any,"  
 28, line 3, after *same*, erase "to," insert "for."  
 line 7, erase "to," insert "of,"—line 11, erase "in," insert "on."
- 

CHAPTER 80.

- Sect.* 1, Reference, erase "G," and after 39, insert "§ 1."  
 2, line 3, erase "commissions," insert "commissioners."  
 Reference, add "M. R. S. 39, § 2."  
 3, Reference, add "M. R. S. 39, § 9."  
 10, line 25, erase "created," insert "erected."  
 24, Reference, erase "1," insert "12."  
 25, line 4, erase "an iron," insert "a."  
 27, Reference, erase "1," insert "17."  
 28, line 10, erase "cause an attested copy of their order to be left," insert "leave a copy of their order under their hands."  
 line 12, erase "thereat." After *be*, insert "there."  
 29, Reference, erase "18," insert "10."  
 31, line 4, after *hundred*, insert "and."  
 33, line 3, before *State*, insert "the."  
 35, line 6, after *demand*, insert "he."  
 37, line 1, erase "or," insert "on." Reference, erase "March 12," insert "384, § 1."  
 38, Reference, erase "March 12," insert "384, § 2."
- 

CHAPTER 81.

- Sect.* 1, Reference, erase "1836, 200, § 1," insert "M. R. S. 39, § 46."  
 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, References, erase "200," insert "204."

- Sect.* 9, Reference, insert "M. R. S. 39, § 67, 68."  
 16, Reference, after *M. R. S.*, insert "39, §."  
 17, Reference, insert "1836, 204, § 7."  
 24, line 1, erase "such," insert "rail."

### CHAPTER 82.

- Sect.* 4, line 8, after *manufactures*, insert "and no such society, by their by-laws, shall confine such premiums to its own members, but shall bestow them on any person residing within the limits of such society, who shall produce the best specimens."  
 5, line 1, erase "And,"—line 4, erase "December," insert "January,"—line 5, erase "the."  
 6, line 2, after *crop*, erase "for," insert "on."  
 7, line 6, erase "with."

### CHAPTER 83.

- Sect.* 14, Reference, insert "1821, 140, § 9."

### CHAPTER 84.

- Sect.* 1, line 13, after *plantation*, insert "or by giving personal notice to the persons associated."  
 Reference, add "§ 1."  
 2, 3, References, add "§ 1."  
 6, line 6, after *aforesaid*, insert "in every town included in the division."  
 7, line 1, erase "And."  
 line 4, after *use*, insert "or for any other literary or scientific purpose."  
 8, line 5, after *chapter*, insert "and the notification required, if posted up in some conspicuous part of the court house, in such county, seven days previous to their meeting, shall be sufficient."  
 line 6, erase "practitioners," insert "trustees."  
 line 8, after *meeting*, insert "which shall be held at some term of the district court in such county."  
 line 12, after *county*, insert "present." Reference, erase "91," insert "141."  
 9, after *association*, insert "under the direction of the said trustees."

CHAPTER 85.

- Sect.* 1, line 3, erase "on their application," insert "shall apply."  
 3, line 4, erase "one of the newspapers in the city of Portland," insert "the newspaper published by the printer to the State."  
 4, lines 2, 3, erase "any two of the newspapers printed in said Portland," insert "the newspaper published by the printer to the State."  
 Reference, insert "1821, 43, § 1."  
 6, 9, References, insert "1821, 43, § 1."  
 10, line 1, erase "affair or."  
 line 2, erase "other than what is," insert "except it be."  
 line 3, erase "or application,"—line 4, erase "polls."  
 Reference, before "2," insert "1."  
 11, Reference, insert "1821, 43, § 3."  
 12, line 5, after *sums*, insert "so,"—erase "as above stated."  
 Reference, insert "1821, 43, § 4."  
 13, line 1, after *the*, insert "treasurer, collector or."  
 14, line 1, erase "And."  
 15, line 2, after *same*, insert "at."  
 17, line 4, after *attorney*, insert "appointed in writing."
- 

CHAPTER 86.

- Sect.* 1, line 10, erase "thirty," insert "ten,"—erase "ten," insert "thirty."  
 2, line 1, erase "And."  
 6, line 3, erase "femme covert," insert "married woman."  
 line 5, erase "femme covert," insert "married woman."  
 7, line 1, erase "Every miller shall keep," insert "The owner of every grist mill shall keep in his mill."  
 line 4, after required, insert "or taking more than lawful toll."  
 8, Reference, erase "363," insert "365."

# TITLE VI.

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## CHAPTER 87.

- Sect.* 6, line 1, after *persons*, insert "resident in this State."  
line 5, after "or," insert "have." Reference, erase  
"4," insert "5."
- 7, line 1, erase "And,"—line 4, after *be*, insert "first,"—  
lines 5, 6, erase these lines."
- 9, line 5, after *justices*, insert "of the peace,"—erase  
"quorum unus."
- 10, line 7, erase "marriage," insert "such marriages."
- 12, line 3, erase "also."
- 14, line 3, after *shall*, insert "knowingly and wilfully."  
line 8, after *treasurer*, insert "or by the parent, guardian,  
or other person, under whose immediate care  
and government either of the parties was, at the time  
of such marriage."
- 15, to be numbered "16," and transferred to the place of  
Sect. 16.  
line 5, after *him*, insert "and the place of their residence,  
and the date of the marriage."
- 16, to be numbered "15," and transferred to the place of  
Sect. 15.  
line 5, after *years*, insert "or by fine not exceeding one  
thousand dollars."
- 17, line 6, erase "presumptive." Reference, erase "ch."—  
after 75, insert "§ 25."
- 18, Reference, erase "ch." and after 75, insert "§ 24."
- 21, erase the section, and insert the following :  
"The clerk of every city, town, and plantation shall return to  
the clerk of the judicial courts for his county, a transcript of all  
records of marriages made upon his books during the year, for  
which he is clerk, and it shall be the duty of the clerk of said courts  
to record the same in a book to be kept for that purpose ; and he  
shall be allowed from the county treasury for recording, at the  
rate of twelve cents a page."
- Sect.* 25, Reference, erase "71," insert "77."
- 29, 30, 31, erase these sections.
- 32, to be numbered "29."

AMENDMENTS.—TITLE VI. CHAP. 88—89. 63

- Sect.* 33, to be numbered "30,"—line 1, erase "The," insert "When."  
line 12, erase "and notice given as aforesaid," insert, "notice shall be given to the husband."  
line 3, erase "all the," insert "the same." Reference, erase "M. R. S. 77, § 13."  
34, erase "Sect. 34," and annex the section to the foregoing:  
Reference, erase "12," insert "§ 12, 13."  
35, to be numbered "31." Sect. 36, to be numbered "32."  
37, to be numbered "33."
- 

CHAPTER 88.

- Sect.* 1, erase this section.  
2, to be numbered "Sect. 1,"—line 2, erase "the income of,"—line 7, erase "of the income."  
3, to be numbered "2."  
4, to be numbered "3." Reference, erase "12 Mass. 387, 483."  
5, to be numbered "4,"—line 1, erase "But."
- 

CHAPTER 89.

- Sect.* 3, Reference, add "76, § 20."  
5, line 1, erase "But."  
7, line 1, erase "But."  
12, Reference, add "76, § 7."  
13, Reference, add "76, § 9, 10."  
14, lines 3, 4, erase "either of two," insert "this or the."  
Reference, add, "76, § 11."  
17, line 1, erase "And,"—line 4, after *husbands*, insert "estate."  
18, line 4, after *life*, insert "and,"—line 5, after *have*, insert "had."  
21, erase this section.  
22 to be numbered "21."  
line 6, erase "but no," insert reference, "M. R. S. 76, § 3, 4." "Sect. 22. No such." Erase reference, M. R. S."



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- Sect.* 23, line 1, erase "or," insert "on."    Reference, add "76,  
§ 21."  
24, Reference, add "76, § 22."  
25, Reference, insert "M. R. S. 76, § 23."  
26, Reference, add "76, § 24."  
27, Reference, add "76, § 26."  
29, Reference, add "76, § 39."  
30, Reference, add "76, § 40."  
31, Reference, insert "1839, 377."  
32, Reference, add "377."
- 

CHAPTER 90.

- Sect.* 3, line 1, after *of*, insert "any."  
8, erase "Mass. 8," insert "8 Mass."  
10, line 1, erase "And,"—line 4, after *court*, insert "shall."  
12, erase this section.

## TITLE VII.

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### CHAPTER 91.

- Sect.* 3, line 2, after *on*, insert "or before."  
4, Reference, add "60, § 30."  
5, Reference, add "59, § 2."  
6, Reference, add "59, § 3."  
7, Reference, add "59, § 4."  
8, Reference, erase "1821," insert "M. R. S. 59, § 5."  
9, Reference, add "59, § 6."  
10, Reference, add "59, § 7."  
11, Reference, insert "M. R. S. 59, § 8."  
12, Reference, erase "37," insert "38,"—add "M. R. S. 59, § 9."  
13, line 1, erase "devices," insert "devises."  
15, Reference, add "§ 2."  
23, line 3, erase "of," insert "or." Reference, add "59, § 21."  
24, Reference, erase "1821," insert "M. R. S. 59, § 22."  
25, line 3, erase "so noted," insert "when received." Reference, insert "M. R. S. 59, § 23."  
28, lines 2, 3, 4, erase all after *estate*, in line 2.  
31, Reference, add "M. R. S. 59, § 30."  
32, Reference, add "59, § 31."  
33, Reference, add "59, § 32."
- 

### CHAPTER 92.

- Sect.* 2, line 2, after *devisor*, insert "or testator."  
line 4, after *subscribed*, insert "in his presence."  
7, line 1, erase "And."  
9, line 8, after *of*, insert "the."  
12, Reference, add "62, § 2."  
13, Reference, add "62 § 3."

- Sect.* 14, line 2, after *devisee*, insert "or legatee." Reference,  
add "M. R. S. 62, § 25."  
15, Reference, add "62, § 26."  
16, Reference, add "62, § 27."  
17, line 2, erase "or otherwise."  
20, line 5, after *in*, insert "section fourteen of."  
21, line 3, erase "third," insert "fourteenth." Reference,  
add "62, § 29."  
22, Reference, add "62, § 30."  
23, Reference, erase "M. R. S."  
24, Reference, add "62, § 31."  
25, Reference, insert "M. R. S. 62, § 32."  
26, line 1, erase "devisee," insert "devise." Reference,  
add "62, § 4."

## CHAPTER 93.

- Sect.* 1, line 21, erase "or," insert "nor,"—line 25, erase "or,"  
insert "nor."  
line 34, after *child*, insert "by inheritance."  
3, lines 2, 3, 4, erase "who shall have been adjudged the  
putative father of such illegitimate child, by any court  
of competent jurisdiction."  
line 3, after *writing*, insert "signed in the presence of a  
competent witness."  
line 13, erase "his child by him begotten," insert "afore-  
said, or adopted him into his family,"—line 15, after *of*,  
insert "either of."  
line 16, erase "*be*," insert "he."  
Reference, erase "M. R. S. and statute of Mass. 1832."  
4, line 3, erase "his," insert "her."  
5, line 7, after *as*, insert "if."  
6, line 6, after *as*, insert "if."  
11, Reference, add "61, § 7."  
12, Reference, add "61, § 8."  
13, Reference, add "61, § 11."  
14, Reference, insert "M. R. S. 61, § 12."  
15, line 8, erase "by law she shall be entitled to," insert  
"may be allowed to her, according to the eighteenth  
section of chapter one hundred and eight."  
22, line 2, before *benefit*, erase "the,"—line 11, erase "his,"  
insert "the."

CHAPTER 94.

- Sect.* 2, Reference, erase "36, § 8," insert "52, § 1."  
 3, line 1, erase "But,"—lines 8, 9, 10, erase all after *lies*."  
 Reference, erase "14, § 8," insert "148, § 1."  
 4, line 12, erase "bank," insert "back." Reference,  
 erase "50," insert "60."  
 6, 7, 12, 13, References, erase "50," insert "60."  
 8, Reference, add "73, § 6."  
 9, line 3, after *if*, insert "it appear by the return that."  
 10, Reference, add "73, § 8."  
 11, line 1, erase "tendency," insert "tenancy."  
 12, line, 9, erase "mentioned in a subsequent section,"  
 insert "hereinafter provided."  
 14, Reference, add "73, § 11, 12."  
 15, Reference, add "73, § 13."  
 16, Reference, add "73, § 14."  
 17, Reference, add "73, § 15."  
 18, line 8, after *will*, insert, "if previously to the levy of  
 any execution on real estate, the nominal execution  
 creditor shall have assigned the debt, upon which the  
 judgment was recovered to a third person, for a good  
 and valuable consideration, the nominal creditor shall  
 be deemed to hold the real estate levied upon, in  
 trust for the assignee, who shall be entitled to a con-  
 veyance of the same from the nominal creditor, to be  
 enforced by the supreme judicial court, on a bill in  
 equity."  
 Reference, insert "73, § 16."  
 19, lines 6, 7, erase all after *lies*.  
 20, Reference, add "73, § 18."  
 21, Reference, add "73, § 19."  
 22, Reference, add "73, § 20."  
 23, lines 5, 6, 7, erase all after *sworn*.  
 lines 14, 15, 16, erase all after *appraisers*.  
 Reference, erase "50," insert "60."  
 27, line 4, erase "he," insert "the debtor." Reference,  
 add "§ 30."  
 29, Reference, add "73, § 29."  
 30, line 2, erase "was," insert "may have been." Refer-  
 ence, add "73, § 30."  
 31, line 1, erase "A," insert "Any." Reference, add "73,  
 § 31."  
 32, line 5, after *was*, insert "not." Reference, add "73,  
 § 32."  
 33, line 4, after *levy*, insert "and if the debtor shall after-  
 wards pay the amount due on such mortgage, he may  
 recover the same of the creditor levying as aforesaid,  
 in an action for money had and received."  
 Reference, add "73, § 33."

- Sect. 34*, lines 10, 11, erase "some one published at the seat of government," insert "the newspaper published by the printer to the State."  
 line 21, after *bank*, insert "or corporation."  
 37, line 1, after *give*, insert "written,"—line 3, after *is*, insert "known to be."  
 line 6, erase "the,"—"in the county."  
 line 11, after *such*, insert "provided, that if such debtor be not an inhabitant of the county where the land lies, the notice here required to be given to him, shall be deemed sufficient, if forwarded to him by mail."  
 40, line 3, erase "is," insert "was." After *prescribed*, insert "whether to the debtor, or by posting up notice, or by advertising in a newspaper."  
 line 7, after *valid*, insert "although made and done after."  
 Reference, add "73, § 41."  
 41, line 3, after *year*, insert "after such sale."  
 line 8, erase "his expense," insert "the expense of the debtor."  
 42, Reference, add "73, § 44."  
 43, line 1, erase "And."  
 45, Reference, add "73, § 46."  
 46, Reference, erase "23," insert "24."  
 49, line 3, after *money*, insert "a writ of execution in common form shall issue, and be directed to the proper officer, and the lands of such judgment debtor may be taken on such execution, and sold at auction; but before proceeding to sell."  
 line 4, erase "sixth," insert "seventh."
- 

## CHAPTER 95.

- Sect. 1*, line 3, erase "disease," insert "decease."  
 4, line 8, after *be*, insert "in one or more parcels, as shall be most for the interest of the parties."  
 7, Reference, erase "110," insert "40."  
 9, line 2, erase "by him conveyed," insert "conveyed by her husband."  
 line 5, erase "legal," insert "legally authorized."  
 Reference, add "60, § 7."  
 12, Reference, add "60, § 10."  
 14, Reference, after *M. R. S.*, insert "60, § 13."  
 16, line 5, after *therein*, insert "but taking fuel necessary for her own use, from any wood lands, of which she may be endowed, shall not be considered waste."

*Sect.* 16, Reference, add "60, § 15."

17, line 2, erase "forty," insert "ninety." Reference, add "60, § 16."

18, line 2, after *right*, insert "which are under improvement."

line 3, erase "and such shall die,"—line 4, after *estate*, insert "after the decease of the wife."

19, Reference, add "60, § 26."

20, line 1, erase "But."

## TITLE VIII.

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### CHAPTER 96.

*Sect.* 1, after *a*, insert "chief,"—line 2, erase "two," insert "three."

2, line 2, before *all*, insert "of."

line 5, after *otherwise*, insert "and may render judgment, and award execution thereon, as is or may be provided by law."

6, after *State*, insert "and may punish by fine and imprisonment, or either, at their reasonable direction, all contempts committed against their authority, and may administer all necessary oaths, in civil and criminal cases."

7, erase this section and insert the following :

"The said court may exercise jurisdiction, power, and authority, agreeably to the common law of this State, not inconsistently with the constitution, or any statute." "1820, 54, § 1."

*Sect.* 8, line 4, erase "court," insert "clerk."

9, line 3, erase "the admission of attorneys."

10, line 2, erase, "hereafter," insert "hereinafter."

line 5, after *redemption*, insert "or foreclosure." Reference, erase "1820," insert "1821."

line 7, after cases, insert "and of forfeitures in all civil obligations or contracts."

Reference, erase "1820," insert "1821."

line 19, after court, insert "The bill or complaint in equity may be inserted in a writ of attachment or original summons, returnable to said court, and served on the adverse party like other writs or summonses in civil actions, or the plaintiff may file his complaint with the court, and notice may be issued and served therein, as is or may be provided by the rules of said court."

Reference, insert "1821, 50, § 1."

11, line 1, erase "And."

line 5, after *dissolved*, insert "but no such writ shall issue without notice to the adverse party, to appear and answer, unless the applicant shall file a bond with sufficient sureties to respond all damages and costs."

- Sect. 12, line 3, erase "a subsequent," insert "the thirty-fifth."  
 13, line 3, erase "a subsequent section," insert "the thirty-sixth section of this chapter."  
 14, lines 2, 3, erase "attend on the day appointed for its session," insert "be present."  
     lines 3, 4, erase "open the court and."  
     lines 5, 6, erase "until the arrival of a majority of the justices."  
 15, line 3, before *thirteenth*, insert "twelfth or,"—line 4, after *or*, insert "in his absence."  
     line 5, erase "verbal," insert "oral,"—erase "or," insert "and,"—8, 9, erase "or any district court."  
 16, lines 6, 7, erase "the last enumerated cases," insert "such cases, subject to the provisions of the fifteenth section of chapter ninety-seven."  
     Reference, add "373."  
 17, line 4, after *may*, insert "at the same term,"—line 6, erase "council," insert "counsel."  
     line 8, before *allowed*, insert "if found true in fact."  
 18, line 1, erase "But,"—erase "made and," insert "or any dilatory plea."  
     line 3, after *proceedings*, insert "before the jury."  
 19, line 1, erase "And."  
 20, line 1, erase "And."  
 21, line 1, erase "And,"—line 3, after *delay*, insert "impose such terms and conditions on the party making them, as he may judge reasonable, and if not accepted may."  
 23, line 1, erase "But." Reference, erase "1820," insert "1821."  
 24, line 1, erase "And." Reference, erase "1820," insert "1821."  
 26, Reference, erase "24," insert "54."  
 27, line 1, erase "And,"—line 6, erase "notwithstanding any law to the contrary."  
     Reference, erase, "24," insert "54."  
 28, Reference, erase "24," insert "54."  
 29, lines 4, 5, erase all after counties. Reference, erase "1820," insert "1821."  
 31, erase this section.  
 32, to be numbered "31."  
 33, to be numbered "32."  
     line 1, erase "office of."  
     lines 2, 3, erase all after *court*, and insert "shall continue in office according to the tenor of his appointment."  
 34, to be numbered "33."  
 35, to be numbered "34."  
     line 2, erase "annually."  
 36, erase this section.  
 37, to be numbered "35,"—line 1, erase "That."



- Sect.* 38, to be numbered "36,"—line 1, erase "That."  
 39, erase this section.  
 40, 41, 42, erase these sections.

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CHAPTER 97.

- Sect.* 1, line 1, after *The*, insert "district court heretofore established is hereby continued, and the,"—erase "hereby."  
 References, to sections 1, 4, 7, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, and 26, after 1839, insert "373."  
 5, line 7, after commissions, insert "unless inconsistent with the constitution."  
 line 9, after *of*, insert "the."  
 line 12, after office, insert "in the counties composing their respective districts."  
 6, after *following*, in line 4, erase the remainder of the section, and insert "actions in which municipal or police courts, or justices of the peace have original jurisdiction, actions of replevin, trespass upon lands, ejectment, real actions, actions by, or against towns, and actions, in which a judge of any district court is a party or interested."  
 7, line 1, erase "And,"—line 3, erase "triable in," insert "cognizable by."  
 9, line 4, erase "said," insert "late."  
 line 5, after *do*, insert, "as a court of record and common law jurisdiction, and shall have, in their respective counties, the same powers in relation to the records and business of the late court of common pleas, as that court would have, if it still continued."  
 10, line 2, erase both, insert "either of."  
 line 4, erase "his or their district," insert "any court held by himself."  
 11, line 1, after *justice*, insert "for the district."  
 line 3, after *may*, insert "by oral proclamation."  
 line 5, after *attend*, insert "or if necessary may adjourn the court without day."  
 line 6, after *house*, insert "or the court may be held by the judge of some other district, if thereunto requested by the judge, whose duty it was to hold such court."  
 12, line 2, erase "long since established by law and."  
 13, line 2, after *court*, insert "on any demurrer, or agreed statement of facts, or." After *issue*, insert "in fact."

- Sect.* 13, line 7, erase "within," insert "for."
- 14, lines 3, 4, erase all after *party*, and insert "in such sum as the court shall order, to prosecute his appeal with effect, and pay all intervening damages and costs."
- 15, line 3, after *dower*, insert "from judgment on demurrer, filed by consent of parties, with an agreement to waive the same, or judgment on an agreed statement of facts."
- 15, line 7, erase "and have a separate execution, for the same," insert "to be set off against the plaintiff's claim, but if it exceed said claim, the defendant shall have execution for the residue."
- 17, line 1, after *If*, insert "the,"—line 2, after *complaint*, insert "of the appellee."
- line 3, erase "according to the provisions of this chapter," insert "affirming the former judgment with interest on the damages, if for the plaintiff, and in all cases with the subsequent costs."
- 18, line 6, after *day*, insert "and."
- line 7, after *stayed*, insert "excepting that any trial before a jury, shall proceed until a verdict is rendered; and the excepting party shall recognize as provided in section fourteen."
- 20, line 6, after *and*, insert "increase the damages, if any, by adding."
- 21, line 4, erase "enter his appeal as aforesaid in," insert "produce the papers, and prosecute his exceptions before the supreme judicial court, and abide the sentence and order of said court, or, if the cause should be remanded, of the district court, and not depart without license, and."
- line 7, erase "which."
- line 8, after *may*, insert, "affirm the verdict rendered in the district court or."
- line 9, after *court*, insert "as justice may require."
- 22, line 3, after *inflicted*, insert, and for that purpose may issue process to compel his attendance, if absent."
- 23, after *court*, insert "before rendering judgment."
- 25, line 2, erase "without," insert "unless."
- lines 4, 5, erase "nor after the lapse of one year after the judgment was rendered," insert "nor unless a motion therefor shall have been filed within one year after such verdict."
- 27, line 4, erase "in and,"—line 7, erase "in and."
- line 10, erase "in and,"—erase "first," insert "fourth,"—line 13, erase "in and."
- lines 14, 15, erase "in and,"—line 17, erase "in and,"—line 19, erase "in and."
- line 21, erase "in and,"—line 23, erase "in and,"—line 26, erase "in and."

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- Sect.* 27, line 28, erase "in and,"—lines 28, 29, erase "first Thesdays," insert "last Mondays."  
 line 30, erase "in and,"—line 31, erase "third," insert "second,"—line 32, erase "in and."  
 line 33, erase "first Tuesday of July," insert "second Tuesday of June."  
 28, erase this section."

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CHAPTER 98.

- Sect.* 1, lines 5, 6, erase all after *commission*.  
 2, line 2, before council, insert "the."  
 3, line 1, after *shall*, insert "except where interested."  
 line 8, erase "except where said judge is interested."  
 4, erase this section.  
 5, to be numbered "Sect. 4." Reference, erase "1823, 324," insert "1825, 294."  
 6, to be numbered "5."  
 line 8, erase "and,"—insert references, "1825, 294, § 3. 1826, 324, § 2." "Sect. 6."  
 line 11, erase "of the overseers of the poor or any other person," insert "as before a justice of the peace." Reference, erase "1826, 324, § 3."  
 11, line 4, after *recorder*, insert "and shall keep a fair record of the proceedings of the court, and deliver copies, when required, for the same fees, which are allowed to justices of the peace."  
 12, line 1, erase "sick, or necessarily."  
 13, line 1, erase "sick or," insert "necessarily."  
 17, line 4, erase "they," insert "such warrants."  
 19, line 2, after *of*, insert "the."  
 21, line 5, erase "he," insert "the judge of the court."  
 line 6, erase "said county," insert "the county of Lincoln."  
 line 8, erase "county of Lincoln," insert "said county."  
 22, line 3, erase "as provided in the seventh section," insert "in the same manner as from a sentence or judgment of a justice of the peace."  
 23, line 1, after *appoint*, insert "and employ."  
 28, lines 2, 3, 4, erase "established by an act of the legislature, and approved, March twenty-third, eighteen hundred and thirty-nine."  
 Reference, add "special laws, ch. 566."  
 34, line 1, after *duty*, insert "of the judge,"—line 5, after *certified*, insert "by the judge."

AMENDMENTS.—TITLE VIII. CHAP. 99—100. 75

Sect. 35, line 4, after *accordingly*, insert “and the judge may adjourn the court from day to day if necessary.”  
line 6, after judge, insert “when collected.”

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CHAPTER 99.

Sect. 8, line 3, Reference, erase “Vol. 3, 500, § 2—306 § 2,”  
insert “1831, 500, § 2. 1825, 306, § 2.”  
line 8, Reference, erase “Vol. 3,” insert “1827,”—line  
11, erase “Vol. 3,” insert “1831.”  
line 13, Reference, erase “Vol. 3,” insert “1831,”—line  
15, erase “Vol. 3,” insert “1831.”  
line 18, Reference, erase “Vol. 3, 258, § 1—374,” insert  
“1825, 306, § 2. 1828, 374.”  
line 21, Reference, erase “Vol. 3,” insert “1825,”—line  
23, Reference, erase “Vol. 3,” insert “1828.”  
line 27, Reference, erase “1832, 500, § 2—354 and 372,”  
insert “1831, 500 § 2.”  
9, Reference, erase “1838, Vol. 3,” insert “1825.”  
10, Reference, erase “1838, 306, § 14,” insert “1825, 306,  
§ 4.”  
11, Reference, erase “1838,” insert “1825.”  
17, 18, References, erase “Vol. 3,” insert “1822.”  
20, line 16, erase “fourteen,” insert “fifteen.”  
21, line 1, erase “shall.”  
23, erase this section.

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CHAPTER 100.

Sect. 2, line 2, after *of*, insert “the.”  
lines 2, 3, erase “fill the vacancy, by the appointment of  
a successor,” insert “appoint some person to fill the  
vacancy.”  
3, line 2, erase “and no longer.”  
5, Reference, erase “1829, 422,” insert “1821, 90.”  
6, line 2, after *receive*, insert “or be entitled to receive for  
services.”  
lines 5, 6, 7, after *thus*, erase to *residue*, and insert,  
“accrued, and after deducting his own salary, pay  
over the residue, if any, of the gross amount.”  
Reference, erase “1829, 422, § 2,” insert “1821, 90, § 4.”

*Sect. 7*, line 2, after treasurer, insert "not provided for in the preceding section."

lines 2, 3, erase "the adjournment of the court, at which."

line 4, after *same*, insert, "In case he shall neglect or refuse to pay over any sum, for which he is accountable, under the provisions of this chapter, he shall pay interest on the same, at the rate of twenty-five per cent., by the year, until paid; and it shall be the duty of the county treasurer to notify the treasurer of the State, of any such delinquency known to him, and the bond of the delinquent clerk shall thereupon be put in suit."

Reference, erase, "1839, 422," insert "1821, § 90."

8, line 2, after *county*, insert "or if the clerk be absent."

line 6, after *council*, insert "or during such absence."

Reference, erase "5," insert "1."

9, line 1, erase "but," insert "and,"—line 2, erase "only."

11, lines 2, 3, 4, 5, erase all after *by*, insert "the clerk of any city town or plantation."

Erase the reference.

13, line 1, erase "Each," insert "Every."

14, 15, 16, erase these sections, and insert as follows:

"*Sect. 14.* The justices of the judicial courts shall inspect the conduct of the clerks of their respective courts in relation to their records; and if they are found deficient, they shall in writing certify the fact to the treasurer of the State, that such clerk's official bond may be put in suit."

"1820, 108, § 3."

"*Sect. 15.* The money recovered in such suit shall be applied to complete the deficient records, under the direction of the judge or judges of the court, where such deficiency shall occur, and if the amount so recovered shall be more than sufficient for the purpose aforesaid, the balance shall enure to the use of the State; but if the amount so recovered shall be insufficient to make up such records, the balance may be recovered by the treasurer of the State, in a special action on the case."

"1821, 108, § 3."

"*Sect. 16.* Any clerk of the courts, who shall exact or receive more fees than are allowed by law, shall forfeit fifty dollars for each offence, to be recovered in an action of debt by any person prosecuting therefor to his own use, or by indictment, one half to the use of the State, and the other half to the complainant."

AMENDMENTS.—TITLE VIII. CH. 101—103. 77

CHAPTER 101.

- Sect. 1*, lines 3, 4, erase all after *constitution*;  
2, line 1, erase "the duty of the attorney general," insert  
"his duty."  
line 2, erase "at," insert "all,"—lines 2, 3, erase "in  
the several counties in each successive year."  
line 4, erase "now are, or may be so established and."  
line 7, erase "according to law."  
5, lines 3, 4, erase "third day of the term of the court where  
he is bound to appear," insert "days specified in the  
ninth section of the one hundred and fifty second  
chapter."  
Reference, erase "500," insert "509, § 2."  
6, line 1, erase "It shall be his duty annually," insert "He  
shall."  
line 2, after *December*, erase "to," insert "annually."  
line 4, after *prosecuted*, insert "either by himself, or by  
the several county attorneys."  
Reference, erase "409," insert "408."
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CHAPTER 102.

- Sect. 1*, lines 3, 4, erase all after *shall*, insert "be duly sworn."  
4, line 5, after *offices*, insert "in relation thereto,"—lines  
8, 9, 10, erase all after *county*, in line 8.  
5, line 6, after *duty*, insert, or the duty required of him in  
the preceding section.  
line 8, after *treasurer*, insert "in an action of debt."  
7, line 1, erase "And it shall be the duty of,"—line 2, after  
*attorneys*, insert "shall,"—after *November*, erase  
"to."
- 

CHAPTER 103.

- Sect. 1*, line 1, erase "it shall be the duty of."  
line 2, erase "some time in the month of April annually  
to," insert "shall, at the law term for each county  
annually."

- Sect.* 1, line 3, erase "each," insert "such."  
 2, line 2, erase "in open court,"—line 3, erase "or affirmation," insert "in open court."  
     Reference, erase "1838," insert "1837."  
 3, line 1, erase "It shall be the duty of."  
     line 5, before *of*, insert "has diligently pursued the study of the law for not less than three years and is,"—line 6, erase "to," insert "shall."  
 7, after *services*, insert "rendered in this State."  
 9, after *be*, insert "subsequently,"—erase "council," insert "counsel."  
 10, 11, erase these sections.

### CHAPTER 104.

- Sect.* 1, lines 4, 5, erase "take and subscribe the oaths and declaration by law required," insert "be duly sworn."  
     Reference, erase "1821," insert "1820."  
 2, Reference, erase "1821," insert "1820."  
 3, line 4, erase "security," insert "sureties," after *sheriff*, insert "and the coroners."  
     Reference, erase "1821, 91, § 3," insert "1820, 91, § 2."  
 4, line 1, after *if*, insert "the." After *sheriff*, insert "or coroner."  
     line 3, after *sheriff*, insert "or coroner."  
     line 4, after *filed*, insert "in the office of the clerk of the county commissioners."  
     line 5, before *treasurer*, insert "the." Reference, erase "1821, 91, § 3," insert "1820, 91, § 2."  
 5, line 6, after same, insert "Every coroner neglecting to give bond as provided in the preceding section, shall be deemed to have vacated his office."  
     Reference, erase "1821," insert "1820."  
 6, line 1, erase "And,"—line 5, before *council*, insert "the."  
     Reference, erase "1821," insert "1820."  
 7, Reference, erase "1821, 92," insert "1820, 91."  
 8, lines 3, 4, erase "take and subscribe the oaths and declaration by law required," insert "be duly sworn."  
     line 7, after *office*, insert "which bond shall be transmitted to the treasurer of the State, in the same manner as sheriffs bonds."

*Sect. 8*, lines 12, 13, 14, erase all after *until*, insert "the first day of the next stated meeting of the said county commissioners, and not afterwards, unless approved by them."

Reference, erase "1821, 92," insert "1820, 91."

9, line 11, after *make*, insert "during the vacancy in the office of sheriff."

10, line 9, erase "worded," insert "recorded,"—line 12, erase "misfeasances," insert "neglects."

12, line 3, erase "district court," insert "county commissioners."

Reference, after *M. R. S.*, insert "14."

13, line 4, after *treasurer*, insert "in the county, where such sheriff or coroner respectively shall have been commissioned to act."

Reference, erase "1821," insert "1820."

14, 15, 16, References, erase "1821," insert "1820."

17, Reference, erase "3," insert "2."

18, Reference, erase "91," insert "92."

19, line 3, after *authority*, insert, provided his legal fees for service shall first be paid or secured to him ; and if the legal fees be not paid or secured to the officer when the writ or process is delivered to him, he shall, without delay, return the writ to the plaintiff or attorney so offering it, or if sent to him by mail or otherwise, shall put the same into some post office, directed to the person sending the same, within twenty-four hours : otherwise he shall be deemed to have waived his right to receive his fees before service.

20, line 1, after *such*, insert "sheriff or."

22, line 1, erase "And."

23, lines 3, 4, after *deputy*, erase the remainder of the section.

24, line 1, erase "And."

30, line 9, before *council*, insert "the." Reference, insert "1821, 92, § 4."

31, line 2, after *which*, insert "such."

35, line 1, erase "But,"—line 2, erase *treasurer*, insert "inhabitants,"—line 3, after *of*, erase "two," insert "five."

line 6, after *office*, insert "as to all processes by him served or executed."

line 9, after *of*, insert "and." Reference, erase "7," insert "9, 1836, 212."

36, Reference, erase "7," insert "9."

39, line 1, erase "large,"—line 2, erase "and kept,"—erase "calendar," insert "calendar."

41, line 6, after *be*, insert "by the sheriff, or by his personal representative."

43, erase "4," insert "14."



44, lines 2, 3, 4, erase "shall have power to assess the amount due such creditor on the polls and estates of the county and," insert "may."

line 4, erase "the same," insert "the amount due to such creditor."

Reference, erase "4," insert "14."

45, lines 2, 3, erase "assessment, or if so made, the treasurer shall not pay the same sum," insert "order."

lines 3, 4, erase "the commissioners," insert "them."

Reference, erase "4," insert "14."

46, 47, 48, References, erase "4," insert "14."

50, line 6, erase "whose," insert "his." Reference, erase "3," insert "9."

51, line 5, erase "but if," insert "if any person committed for debt shall escape from prison and."

52, line 3, after *under*, insert "the judicial." Reference, erase "90," insert "110."

53, Reference, erase "90," insert "110."

54, line 4, after *deputy*, insert "or coroner or constable."

line 6, after *sheriff*, insert "or coroner or constable."

55, Reference, erase "5," insert "1."

59, line 2, after *Lincoln*, insert "Penobscot."

line 3, erase "the sheriff of Penobscot, to six hundred dollars."

line 5, before *the*, erase "and."

line 6, after each, insert, the sheriff of Piscataquis, to three hundred and fifty dollars, the sheriff of Franklin, to three hundred dollars; and the sheriff of Aroostook to one hundred and twenty-five dollars.

Reference, erase "8," insert "5."

60, line 4, after same, insert "unless served by a constable."

61, line 2, after *have*, insert "the like."

62, 63, 64, 66, erase these sections.

65, to be numbered "62,"—line 3, erase "or his deputy," line 5, erase "in," insert "of."

lines 7, 8, 9, 10, erase all after *dollars*, insert "to be recovered by indictment to the use of the county."

Add the following section.

"*Sect. 63.* Whenever any aggrieved party shall cause a suit to be commenced, in his behalf, on an official bond of a sheriff, coroner, or constable, it shall be no defence, either in abatement or bar, that there are other suits pending on the same bond for the use of other parties, unless it be also made to appear, that the amount of damages claimed in such other suits, together with the amount of claims on other damages already recovered, exceed the penalty of such bond; in which case, the court may, at their discretion, continue the action until it is ascertained by the event of the other suits, whether the sums recovered, and to be recovered, on former claims, exceed the penalty aforesaid."

## TITLE IX.

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### CHAPTER 105.

- Sect. 1*, after *commissions*, insert "when not inconsistent with the constitution."  
3, line 3, erase "of," insert "on,"—line 9, erase "shall," insert "may."  
5, line 2, erase "office," insert "official duties."  
9, lines 4, 5, erase "or probate district."  
16, Reference, erase "3," insert "6."  
17, line 4, erase "on," insert "in." Reference, erase "3," insert "6."  
18, line 6, erase "or probate district."  
19, line 1, after *will*, erase "of," insert "if." After *deceased*, insert "person."  
20, line 2, erase "council," insert "counsel,"—line 5, erase "council," insert "counsel."  
21, Reference, insert "1821, 51, § 4."  
22, line 5, erase "in," insert "on."  
27, line 6, erase "adverse party," insert "all the other parties, who have appeared before the judge of probate in the case."  
34, Reference, erase "1831," insert "1821." After M. R. S. insert "83, §."  
36, line 2, erase "not."  
37, lines 1, 2, erase "have been or." Reference, erase "1831, 146."  
38, line 3, after *unable*, insert "to attend,"—line 7, erase "justice of the peace," insert "magistrate."  
39, line 7, after *and*, insert "in the latter case."  
40, line 1, after *cases*, insert "where no administration is granted for the reasons."  
line 3, after *otherwise*, insert "of,"—line 5, erase "her or his," insert "his or her."

**CHAPTER 106.**

- Sect.* 1, line 3, after *hundred*, insert "and."  
 line 5, erase "or." After *kin*, insert "or husband of the daughter."  
 3, line 7, after *all*, insert "the,"—line 15, erase "on," insert "or."  
 line 25, before *insolvency*, erase "the."  
 5, line 5, erase "person," insert "magistrate."  
 Reference, erase M. R. S. 62 § 12, insert "1821, 51, § 12."  
 7, line 2, erase "shall," insert "may."  
 8, line 5, Reference, add "63, § 2,"—line 21, erase "by," insert "on."  
 line 23, after *fuel*, insert "for the family of the deceased, or by waste or trespass of any other kind, and also for such damages as he may recover from any heir or devisee of the estate, or other person, for the like waste or trespass committed on any such real estate."  
 11, line 4, erase "shall," insert "may,"—line 5, erase "shall," insert "may."  
 12, Reference, add "63, § 6."  
 16, line 5, after *had*, insert "been."  
 17, line 1, erase "of,"—line 2, erase "shall," insert "may,"—line 4, erase "shall," insert "may."  
 20, 21, References, insert "1821, 51, § 18."  
 23, line 8, erase "and."  
 26, line 16, erase "twenty," insert "fifty."  
 32, 33, 34, 35, 36, 37, References, erase "23," insert "51."

**CHAPTER 107.**

- Sect.* 1, line 2, erase "tenure," insert "tenor."  
 5, Reference, insert "1828, 401, § 1."  
 7, line 3, erase "should," insert "shall,"—line 8, erase "such," insert "the."  
 Reference, insert "1835, 153, § 1."  
 8, line 1, erase "Such," insert "The." Reference, erase "1828, 401, § 1," insert "1835, 153, § 1."  
 10, line 2, after *sell*, insert "the." Reference, erase "1828, 401, § 2," insert "1835, 153, § 2."  
 11, Reference, erase "1828, 401, § 3," insert "1835, 153, § 3."  
 12, line 8, erase "section fourth, fifth, and sixth," insert, "sections four, five, and six."

- Sect. 12*, Reference, erase "1828, 401, § 3," insert "1835, 153, § 3."
- 15, lines 6, 7, erase "sold, and he," insert "to be sold; and shall pay to the widow of said testator, if any, and if there be none, to the guardian of the minor children, under the age of fourteen years, such sums as the judge of probate may order, to be paid for her or their temporary assistance and support; having regard to the state and amount of the property, until the final decision on said will, and the issuing letters testamentary or the appointment of a permanent administrator; and such sum, so ordered and paid, shall be deducted from the share of said widow or children, on a final settlement, if said estate shall be solvent; but if insolvent, shall be taken into consideration by said judge, in the allowance which he shall make to said widow or children; and such special administrator."
- 18, line 4, erase "given," insert "giving."
- 20, erase "county," insert "country."
- 21, 22, 23, 24, 25, 26, References, after M. R. S. insert "70 §."
- 30, line 3, after *bond*, insert "required,"—erase "foregoing,"—line 4, erase "in," insert "on."
- 33, Reference, add "1835, 191, § 2."

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## CHAPTER 108.

- Sect. 1*, Reference, erase "14 do. 403."
- 2, line 1, erase "The," insert "No."
- 7, erase "36," insert "31."
- 8, Reference, insert "1821, 51, § 31."
- 9, line 8, erase "divisor," insert "division."
- 10, line 4, after *of*, insert "the."
- 13, Reference, erase "53," insert "54."
- 17, line 8, after *hundred*, insert "and,"—erase "section twenty-five and thirty-four."
- Reference, erase "M. R. S."
- line 2, after *estate*, insert "testate or."
- 19, Reference, erase "1835, 180, § 1," insert "1821, 51, § 39."
- 20, line 4, after *deceased*, insert "if under the age of fourteen years, or from ill health unable to labor."
- Reference, insert "1821, 51, § 39."
- 21, line 5, after *same*, insert "if not specially bequeathed."
- 22, line 7, erase "his," insert "the."
- 23, line 4, erase "or," insert "on,"—line 5, erase "other."
- 24, Reference, erase "1822," insert "1821."

- Sect.* 26, line 6, erase "same person," insert "persons."    Reference, erase "7, Greenleaf, 127."  
27, line 7, after *hundred*, insert "and."    Reference, erase "7, Greenleaf, 127."  
28, Reference, insert "1821, 52, § 16."

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## CHAPTER 109.

- Sect.* 1, lines 4, 5, erase "and last sickness of the deceased."  
after line 8, insert "*Secondly*. To the expenses of the last sickness of the deceased."  
line 9, erase "*Secondly*," insert "*Thirdly*."  
line 11, erase "*Thirdly*," insert "*Fourthly*."  
line 13, erase "*Fourthly*," insert "*Fifthly*."  
4, line 2, erase "last sickness."  
6, line 8, after judge, insert "All claims presented to the commissioners, shall be in writing, supported by affidavit of the party, or some person conversant thereof, and it shall be specified, what security the claimant has, and the amount of credit to be given in set off, if any, to the best knowledge and belief of such claimant or person."  
8, line 7, erase "two," insert "one." After *hundred*, insert "and."  
9, line 2, erase "debtor," insert "testator or intestate."  
line 3, after *claims*, insert "expressly."  
line 4, after *not*, insert "unless otherwise stipulated in the contract."  
11, line 3, after *certificate*, erase the remainder of the section, and insert "and notice to the administrator, may appoint a committee of three disinterested and discreet men, who shall be under oath, to examine and appraise the said mortgaged property, and make return of their appraisal under their hands to the probate court, and such appraisal shall be substituted for the first appraisal by the commissioners, and the difference added to, or deducted from the balance of the claim as allowed by said commissioners. And if the creditor shall decline to take the property at the appraisal of the committee, on his relinquishing his claim therein, the judge of probate shall add the amount of such appraisal to his claim as allowed, and he shall be entitled to his dividend on the whole amount, and the property shall be disposed of by the administrator according to law."

- Sect. 13, line 4, erase "distinguish," insert "distinguishing."  
 24, Reference, erase "26," insert "25."  
 27, line 4, erase "shall," insert "may."  
 line 5, after *chapter*, insert "and the judge shall have power, before ordering a distribution to be made thereon, to recommit the report to the commissioners, for the purpose of correcting any error or mistake satisfactorily appearing to him to exist."  
 33, line 2, after *or*, insert "at."  
 37, line 4, after *hundred*, insert "and."  
 38, line 3, after *hundred*, insert "and."

# CHAPTER 110.

- Sect. 4, Reference, insert "1821, 51, § 46."  
 5, Reference, add "79, § 4."  
 7, line 4, erase "if," insert "of,"—line 18, erase "longer," insert "less."  
 11, line 2, erase "shall,"—line 13, erase "as aforesaid."  
 14, line 2, erase "the ward," insert "their wards."  
 line 4, after *order*, insert "and it shall be the duty of every guardian appointed over any person, for gaming, idleness, drinking, or debauchery, to inculcate habits of sobriety and industry in his ward, and when of sufficient health and strength, with the approbation of the judge of probate, he may bind out his ward to labor, not exceeding six months at any one time, or employ him in his own service, giving credit for his earnings, or such sum as he may receive therefor."  
 16, line 2, erase "shall," insert "may."  
 19, line 7, erase "capital," insert "principal."  
 line 9, after *apply*, insert "to some proper court."  
 lines 9, 10, erase "to some proper court, and having sold the same," insert "and."  
 20, line 4, after *any*, insert "and,"—line 6, erase "thirteen," insert "twelve."  
 21, Reference, erase "1830, 470, § 5," insert "1821, 51, § 51."  
 22, Reference, after *M. R. S.*, insert "79, § 19."  
 24, line 3, erase "named," insert "married."  
 25, line 5, after *any*, insert "such." After *request*, erase "to," insert "of."  
 28, line 3, after *bond*, insert "and shall be liable to be removed therefor."  
 line 4, erase "and be liable to be removed therefor."

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*Sect.* 30, Reference, add "79, § 33."

31, lines 3, 4, 5, 6, erase "such appointment shall be deemed evidence of the continued disability of such person to have the management of his property," insert, "he shall be deemed incapable of disposing of his property, otherwise than by his last will, or of making any contract."

line 8, after *and*, insert "in such case."

lines 10, 11, erase "such disability has ceased," insert "such guardian is no longer necessary."

33, Reference, erase "9," insert "8."

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CHAPTER 111.

*Sect.* 1, line 14, erase "annually."

lines 16, 17, erase "or at such times as the judge shall direct and," insert "once in three years, and oftener if thereto required by the judge."

2, line 3, after *necessary*, insert, "but all trustees not required to give bond, shall settle their account with the judge of probate annually."

line 4, after *First*, insert "When."

10, Reference, insert "1821, 51, § 62."

11, erase "spectator," insert "testator or intestate." Reference, add "69, § 10."

12, line 3, erase "justice," insert "trustee."

14, line 5, after *hundred*, insert "and."

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CHAPTER 112.

*Sect.* 1, line 42, Reference, erase "§ 1."

9, Reference, insert "1821, 52, § 2."

13, 14, References, erase "5, 6," insert "8."

16, line 1, erase "and appointed."

19, line 7, erase "are," insert "is,"—line 11, erase "third," insert "three,"—after *hundred*, insert "and."

22, line 11, after *taking*, insert "the."

28, line 6, after *aforesaid*, insert "his heirs or assigns, or personal representatives."

*Sect. 28*, line 10, after *contract*, insert “and whenever any executor or administrator shall receive any such conveyance, he shall stand seized of such estate to the same uses, and for the same purposes, as he may be of real estate set off to him on execution.”

Reference, add “361.” “1840, 21, § 1.”

31, line 1, after *seized*, insert “in fee simple or.”

line 6, erase “as also provided in chapter —.”

35, line 12, erase “th” from “sixth,”—line 14, before *time*, insert “the.”

### CHAPTER 113.

*Sects. 2, 3*, References, insert “1821, 51, § 63.”

5, line 2, before *judgment*, erase “*probate*.”

6, Reference, insert “1830, 470, § 1.”

11, line 3, after *court*, insert “against the executor or administrator, whose bond is sued.”

line 4, erase “the,” insert “such.”

13, line 6, erase “hereafter,” insert “hereinafter.”

17, erase “ascertained,” insert “adjudged on a trial.”

After Section 19, insert the following :

“*Sect. 20.* The judges of probate, within their respective jurisdiction, upon a written application to them, by any executor, administrator, guardian, or testamentary trustee, setting forth, that a surety on his bond is needed as a witness in a case, wherein he, in his official capacity, is a party, are authorized, upon satisfactory proof of the statement in such application, to make a decree, that such surety shall not be liable on said bond after the date of such decree, on account of any default of the principal, or any cause of action on such bond against the principal, which may accrue subsequently to the date of said decree, and that said executor, administrator, or guardian file a new bond for the liabilities of the principal in his official capacity ; such decree shall be duly recorded, and shall operate as a discharge of such surety from all liabilities on said bond which may accrue subsequently to the date of said decree ; and a certified copy of such decree shall be conclusive evidence, that the liability of such surety has ceased.”



# TITLE X.

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## CHAPTER 114.

*Sect. 1*, lines 1, 2, erase "which are now, and have long been in use."

2, lines 3, 4, 5, erase "but if the plaintiff lives without the State, then in the county, where defendant lives."

Reference, add "368, § 1."

4, line 3, erase "court," insert "county."

5, erase the section, and insert the following :

"In all actions commenced in any court proper to try the same, jurisdiction shall be sustained, if goods, estate, effects or credits, of any defendant, named in said action, are found within this State, and attached on the original writ; and service shall be made as is provided in the twenty-eighth section of this chapter."

*Sect. 11*, lines 1, 2, erase "organized plantations."

12, lines 1, 2, erase "organized plantations."

line 4, after *situated*, insert "or natural person lives."

13, line 5, erase "the defendant," insert "either party."

14, Reference, erase "44," insert "45."

18, line 5, after *judgment*, insert "which suit shall be an action on the case, brought in the court where the original judgment was rendered; and a return upon the execution issued in any such case, by an officer of the county, where said endorser lives, that he has demanded payment of the same, of said endorser, and that said endorser has neglected either to pay the same, or to shew said officer personal property of the plaintiff sufficient to satisfy said execution, or that he cannot find said endorser within his precinct, shall be conclusive evidence of the liability of said endorser in said suit; but the provisions of this and the preceding section shall not extend to any liability as endorser heretofore incurred."

22, line 2, erase "court of common pleas," insert "any district court."

24, erase this section, insert the following :

"When goods or estate are attached on either of said writs, a separate summons, in form by law prescribed, shall be delivered to the defendant, or left at his dwelling house, or place of last and

usual abode, fourteen days before the sitting of the court, to which the same writ is made returnable, which shall be a sufficient service of the writ or original summons.”

*Sect. 26*, erase this section, and insert the following :

“In all cases, wherein the process is by original summons, as against executors, administrators, or guardians, in ejectment, dower, scire facias, error, review, and in all other civil actions, wherein the law does not require a separate summons to be left with the defendant, the service thereof by the proper officer shall be sufficient, either by his reading the writ or original summons to the defendant, or by giving him in hand, or leaving at his dwelling house, or place of last and usual abode, a certified copy thereof, fourteen days before the same is returnable.” “1821, 59, § 2.”

*Sect. 27*, line 2, after *summons*, insert “where goods and estate are attached, or a copy of the original summons, as the case may require.”

Reference, erase “60,” insert “59.”

28, line 8, after *attachment*, insert, or the court, after entry may order such notice to the defendant as justice may require.”

Reference, insert “1821, 59, § 1.”

29, line 3, erase “he,” insert “the plaintiff.”

32, lines 3, 4, 5, 6, 7, 8, after *attachment*, in line 3, erase to and including *made*, in line 8, and insert “within five days thereafter, shall file in the office of the register of deeds in the county or district, in which all or any part of said lands are situated, an attested copy of so much of the return made by him on the writ, as relates to the attachment, together with the names of the parties, the sums sued for, the date of the writ, and the court to which it is returnable.”

33, line 1, erase “And.”

34, line 1, erase “writ and,”—line 2, erase “same,” insert “writ.”

line 3, erase “twenty-eighth,” insert “thirty-second.”

line 6, erase “writ and.” After *deeds*, insert, “notwithstanding it may be after the summons or copy was served on the defendant.”

38, line 6, after *for*, insert “every,”—line 7, after “the,” insert “other.”

line 12, after *family*, insert “and one copy of the statutes of the State.”

line 16, erase “or has had a calf.”—line 18, erase “or that has had a calf.”

line 19, erase “not exceeding,” insert “more than,”—line 21, after *and*, insert “the.”

line 23, after *sheep*, insert “and one ton for said heifer,”—line 27, erase “1836,” insert “1826.”

line 29, erase “steadily,” insert “statedly,”—line 36, erase “572,” insert “172.”

Sect. 38, line 38, after *plough*, insert “of the.” Between *of* and *value*, insert “the.”

line 38, before *twenty*, insert “of.” Before *value*, insert “the,”—line 39, before *value*, insert “the.”

line 41, erase “and there,” insert “to be.”

lines 44, 45, 46, erase these lines, and insert the following :

“*Twelfth*, one pair of bulls, steers, or oxen raised by the owner from his own cows, or purchased by him before the said bulls or steers were one year old ; with a sufficient quantity of hay to keep the same through the winter season ; *provided*, that the owner began to raise, or purchased the said stock, after the twenty-fourth day of April, in the year one thousand eight hundred and thirty-nine.”

“1838, 307, 1839, 413, § 1. 1840, 49, § 1.”

Sect. 39, lines 3, 4, 5, 6, erase all after *removed* in line 3, to *made* in line 6, and insert “the officer may, within five days thereafter, file in the office of the clerk of the town, in which such attachment is made, an attested copy of so much of the return made by him on the writ, as relates to the attachment, together with the names of the parties, the sums sued for, the date of the writ, and the court to which it is returnable.”

40, line 3, erase “enter a note thereof in the order, in which they are received,” insert “record the same.”

line 5, erase “twenty-five,” insert “ten.”

42, line 2, erase “organized plantation.”

lines 4, 5, 6, 7, erase all after “*clerk*, in line 4, and insert “or one of the selectmen or assessors of the corporation, if there be any such officer, if not, with any member of such corporation.”

43, line 8, erase “committee,” insert “or any general agent.”

line 9, after *sued*, insert, “if there be no such officer or agent found within the county where such corporation is established, or where its records or papers are by law required to be kept, such copy may be left with any member of the corporation.”

44, line 1, erase “And.”

45, line 3, after writ, insert “with a notice thereon of such attachment, signed by such officer.”

lines 12, 13, erase “unless the debt should be paid by the defendant,” insert “in an action on the case by the creditor.”

Reference, erase “1821, 50, §.”

46, line 5, erase “process, and of his return,” insert “writ, with a notice thereon of such attachment, signed by such officer.”

46, line 6, erase “treasurer, or some one of the directors of the corporation,” insert “or some officer or member of the corporation, as provided in section forty-three.”

Sect. 47, line 2, after *persons*, insert "on a joint obligation or contract," erase "never was," insert "is not."

lines 4, 5, erase "the summons designed for him may be left with either of the co-defendants in the State," insert "service made on him as is provided in the twenty-eighth section of this chapter."

48, line 3, after *where*, insert "the time when."

50, line 3, after *summons*, insert "upon the person, whose property is attached."

51, Reference, erase "M. R. S. 90, 55," insert "1830, 463, § 2."

52, Reference, insert "1831, 508, § 1."

59, lines 1, 2, erase "in addition to the usual indorsement, have also indorsed on it," insert "be indorsed with."

72, line 9, after *goods*, insert "on execution." After *hundred*, insert "and."

76, line 7, erase "offsetting," insert "setting off."

83, Reference, erase "165," insert "105."

85, line 1, erase "And,"—line 2, erase "after," insert "within."

87, line 4, erase "recovered," insert "received."

90, line 1, erase "And."

93, line 1, erase "And,"—line 5, erase "report," insert "record."

95, line 2, before *officer*, insert "sheriff, if the process be served by him or his deputy, otherwise by the." Reference, erase "61," insert "67."

96, line 2, after *sufficient*, insert "property."

97, line 3, after *sufficient*, insert "property."

99, line 9, erase "as,"—lines 14, 15, 16, erase all after *commitment*, in line 14.

100, Reference, insert "1836, 210, § 2."

101, erase this section.

102, to be numbered "101,"—lines 3, 4, erase "any State election," insert "the annual fast or thanksgiving."

Reference, add "§ 1."

103, to be numbered "102,"—line 1, erase "company," insert "military."

line 2, after *election*, insert "no officer, whose duty it may be to attend and."

line 3, erase *warned*, insert "duly notified."

104, to be numbered "103,"—line 2, erase "break," insert "breach."

lines 3, 4, erase "of governor, senators, and representatives, during his attendance at, going to, and returning therefrom," insert "United States, State, and town officers."

105, to be numbered "104."

## CHAPTER 115.

- Sect.* 1, line 2, erase "second," insert "first."  
 line 3, after *court*, insert "and no suit, process, or proceedings pending in any court, shall be discontinued, by reason of such court not having been held at any stated term, or at any adjournment thereof; but they shall be respectively returned to, and have day in, the term or session, which shall be held next after such failure."
- Reference, add "M. R. S. 89, § 1."
- 2, line 9, after *order*, insert "and if, by the return of the officer or otherwise, it appear to the court, that the defendant has not had sufficient notice, they may order such further notice as they may think proper."
- 3, line 1, erase "not,"—line 2, erase "or resident therein," insert "but absent therefrom."  
 line 7, erase "or," insert "on."
- 6, line 2, after *for*, insert "the."
- 7, line 1, erase "And."
- 10, line 1, erase "And."
- 14, line 3, after *capacities*, insert "as treasurer." Reference, erase "29," insert "59."
- 16, Reference, erase "§ 15."
- 17, Reference, erase "1835, 183, § 16."
- 18, Reference, erase "1831, 514."
- 19, erase the words "Sect. 19," and annex to the previous section."  
 line 3, after *double*, insert as reference, "1831, 514."  
 Before *in*, insert "Sect. 19."  
 lines 3, 4, erase "prosecution," insert "suit,"—line 7, after *be*, insert "a."
- 22, line 4, after *sum*, insert "as damages,"—lines 6, 7, after *damages*, erase "and costs."  
 line 8, after *plaintiff*, insert "from the time of such offer,"—line 9, erase "offset," insert "set off."
- 25, line 2, erase "or second."
- 29, lines 1, 2, 3, erase "existed at the time of the commencement of the suit, and then belonged to the defendant, nor unless it is due to him," insert "was originally payable to the defendant."  
 erase the reference.
- 30, line 4, after *defendant*, insert "if the plaintiff shall, at any time, have previously agreed to receive it in payment or part payment of his demand, or to pay the same to the defendant, and not otherwise."  
 erase the references.
- 33, line 3, erase "from," insert "to."
- 39, Reference, erase "452," insert "498."

Sect. 41, line 2, after *trustees*, insert "or others,"—line 4, after *trustees*, insert "or others."

42, erase the reference.

43, after *set off*, insert "of." Erase the reference.

44, 45, erase the references.

47, after *municipal*, insert "or police."

line 3, after *prescribed*, insert "the demand in set off to be filed on the return day of the writ."

52, line 3, erase "or refuse."

58, line 4, erase "grand and." Reference, add "11."

59, Reference, add "11."

60, line 3, erase "cases," insert "causes."

63, line 1, erase "And."

67, line 4, after *out*, insert "again,"—line 5, erase "second," insert "third."

70, line 3, after *aside*, insert "a."

71, line 2, erase "summons," insert "summonses."

line 4—10, erase all after *depending* in line 4.

74, line 5, erase "of," insert "as."

77, line 2, erase "or," insert "of."

78, line 33, after *no*, insert "such,"—line 40, erase "and," insert "an."

Reference, after 1839, insert "366, § 1." Erase "1835," insert "1831."

81, erase the reference.

82, erase the words "Sect. 82," and annex the section to Sect. 81.

Reference, before 22, insert "21."

Before Sect. 43, insert the following:

"Sect. 82. If any action or suit be brought by an unmarried woman, either alone, or jointly with others, and she be married before final judgment, her husband may, on his own motion, be admitted as a party to prosecute the suit with her, and with the other plaintiffs, if there be any, in like manner, as if he had originally joined in the suit." "M. R. S. 93, § 21."

Sect. 84, line 3, after *suit*, insert "in which."

85, line 5, after *than*, insert "a." Erase the reference.

87, Reference, erase "93, § 22," insert "121, § 18."

88, Reference, erase "93, § 22," insert "121, § 19."

89, line 4, erase "may," insert "shall, on the same being made to appear."

Reference, erase "93, § 22," insert "121, § 17."

90, Reference, erase "93, § 22," insert "121, § 23."

91, Reference, erase "93, § 22," insert "121, § 22, 24."

92, Reference, erase "93, § 22," insert "121, § 25."

93, line 2, erase "shall." Reference, erase "51," insert "59."

94, line 3, after *trial*, insert "whichever is nearer."

95, line 3, after *attendance*, insert "except as provided in section one hundred."

94 AMENDMENTS.—TITLE X. CHAP. 115.

- Sect.* 95, lines 5, 6, 7, 8, erase all after *direct*, in line 5.  
 96, line 1, after *allowed*, insert "the." Reference, erase "165, § 5," insert "178, § 2."  
 97, Reference, erase "1335, 165, § 5," insert "M. R. S. 121, § 35."  
 99, line 2, erase "offset," insert "set off,"—line 6, erase "offset," insert "set off."  
 100, line 1, after *actions*, insert "entered at any previous term."  
     lines 3, 4, erase "continued," insert "further answered to."  
 102, line 1, after *judgment*, insert "in the supreme judicial court, or district court."  
     line 3, erase "when issued from the district court it."  
     lines 4—10, erase all after *months*, in line 4.  
     Reference, erase "63," insert "3."  
 103, line 2, erase "sixty days," insert "three months."  
     Reference, erase "63," insert "3."  
 104, line 1, after *No*, insert "first,"—line 3, erase "eighth," insert "fifth."  
     Reference, erase "63," insert "3."  
 105, line 1, erase "And,"—line 2, erase "one year," insert "three years."  
     Reference, erase "63," insert "3."  
 106, line 3, erase "shall," insert "may."  
     Reference, erase "63," insert "3."  
 107, line 1, erase "That."  
 108, line 1, after *held*, insert "for trial of civil causes."  
     line 2, erase "or on the day of any state election," insert "second Monday in September, nor any day designated in this State for the choice of electors of president and vice president of the United States, or for the annual fast or thanksgiving,"  
 109, line 5, after "on," insert "the."  
 110, line 3, erase "or territories thereof,"—line 5, erase "such," insert "the acceptor."  
 111, line 4, erase "such," insert "the acceptor."  
 112, line 3, erase "expedient and."  
 114, line 3, after *and*, insert "that."  
 115, Reference, erase "3."  
 117, line 4, erase "in favor of," insert "against."  
 119, line 6, erase "wholly."  
 120, erase this section.

CHAPTER 116.

- Sect. 1*, line 2, after *municipal*, insert "or police."  
 line 3, after *established*, insert "and the judge of such court is not interested."  
 line 10, after *question*, insert, and in prosecutions for penalties, he may have jurisdiction, if otherwise entitled, notwithstanding his town may be interested in the penalty.  
 Reference, erase 1, insert "8, 1826, 324, § 2."  
 5, Reference, erase "11," insert "10."  
 6, 7, 8, References, erase "11," insert "8,"  
 9, line 1, erase "If,"—line 3, after *hours*, insert "Sunday not included."  
 Reference, erase "11," insert "10."  
 11, line 3, before *written*, insert "other." Reference, insert "1821, 76, § 10."  
 12, line 4, erase "or." After *referees*, insert "or auditors."  
 14, lines 6, 7, erase "record of such absent justice," insert "writ in such suit; and in case the disability of the justice, to whom the writ was returnable, is not removed at the expiration of the time of adjournment, such action may be returned before, and tried by, any justice of the peace of said county at the time and place to which it was so adjourned, who may render judgment, and issue execution accordingly."  
 15, line 1, erase "council," insert "counsel." Reference, erase, "1831," insert "1821."  
 17, line 2, after *administrators*, insert "and in all trustee processes on original writs against two or more defendants."  
 line 3, before *a*, erase "of," insert "before,"—line 4, after *defendant*, insert "or trustee."  
 line 7, after *defendant*, insert "or trustee,"—erase "provided," insert "and."  
 19, Reference, erase "1825," insert "1821."  
 20, line 1, erase "And." Reference, erase "1825," insert "1821."  
 24, line 3, after *justice*, insert "relating to his office."  
 27, Reference, add "§ 1."  
 30, line 2, erase "may," insert "shall."

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CHAPTER 117.

- Sect. 1*, line 9, erase "offset," insert "set off."  
 2, line 3, after *hundred*, insert "and."  
 4, lines 6, 7, erase "they shall be redeemed to the debtor," insert "the debtor shall redeem them."



- Sect.* 4, Reference, erase "4," insert "5."
- 5, line 1, erase "give," insert "post up."  
line 3, erase "some," insert "two or more,"—erase all the section after *sale*, in line 3.
- 6, lines 8, 9, erase "by a public declaration in words or in writing," insert "in like manner as required in the preceding section."
- 7, line 1, erase "And."
- 11, line 5, erase "the following section," insert "section twenty-five."
- 12, line 7, after *costs*, insert, "or cause such building to be sold."  
line 8, after *estate*, insert "and in the latter case, saying to the debtor, the right to redeem the same within one year, by payment to the purchaser of the amount paid by him, and interest thereon."
- 16, line 8, insert "one hundred and fourteen, section forty-five."
- 17, line 6, after "him," insert "on." After *fees*, insert "therefor."
- 19, line 8, after *towns*, insert "if there be so many,"—line 14, after *publishing*, insert "the."
- 20, line 6, erase "director," insert "officer."  
line 7, after *company*, insert "if there be any officer, if not where any stockholder."  
line 10, after *officers*, insert "or if without officers, any stockholder."  
line 11, after *sale*, insert "and if there be no newspaper printed in any such county, then in any adjoining county."
- 23, line 1, erase "And."
- 28, line 4, after *sections*, insert "and personal property attached by a coroner, may be again attached by a sheriff, deputy sheriff, or constable, subject to the former attachment, by giving notice thereof to such coroner, and furnishing him with a copy of the precept within a reasonable time thereafter, and vice versa, and personal property attached by a constable may be again attached by a coroner, or by a sheriff or deputy, when necessary, in the same manner."
- 32, line 6, after *corporation*, insert "if there be any such officer; if not, where any stockholder."  
Reference, erase "50," insert "60."
- 39, line 1, erase "And."
- 40, Reference, erase "12," insert "2."
- 41, line 2, after *any*, insert "court of,"—line 8, erase "that," insert "as."
- 42, line 2, erase "or plantation."
- 43, line 1, erase "And in," insert "For,"—line 4, erase "or plantation."

*Sect.* 43, lines 7, 8, 9, 10, erase all after *sale*, in line 7.

44, erase the section, and insert the following :

"It shall be the duty of the officer to advertise in the newspaper published by the printer to the State, and also in one of the newspapers printed in the county where the lands lie, if any there be, three weeks successively, the names of such proprietors as are known to him, of the lands, which he proposes to sell, together with the amount of the execution or warrant of distress; and where the proprietors are not known, he shall publish the numbers of the lots or divisions, of said land; the last publication to be three months before the time appointed for the sale. And if necessary to complete the sale, he may adjourn the same from day to day, not exceeding three days. And he shall give a deed to the purchaser, to hold said land in fee, expressing in said deed the cause of sale. And the proprietor of the land so sold shall have the right to redeem the same, at any time within one year from the time of sale, on paying the sum for which the same was sold, and the necessary charges, and interest thereon."

*Sect.* 45, line 3, erase "or plantation."

46, line 1, erase "But,"—lines 2, 3, erase "or plantation,"  
—line 8, erase "or plantation."

47, line 1, erase "And."

48, line 6, erase "or plantation."

49, line 2, erase "or plantation."

50, line 5, after *of*, insert "or offer to perform."

line 6, erase, "and without any previous tender."

51, Reference, add "3."

## CHAPTER 118.

*Sect.* 2, line 6, after *bond*, insert "and if the debtor was committed to jail, such clerk or justice shall note, in like manner, the jail, to which he was committed."

3 line 1, after *execution*, insert "whether the debtor had given bail to the arresting officer, or to the jailer."

line 11, erase "within."

7, erase the reference.

8, line 1, erase "But."

9, Reference, erase "1821, 67, § 3," insert "M. R. S. 91, § 9."

10, Reference, erase "3," insert "2."

12, line 1, erase "And."

14, Reference, insert "1821, 67, § 5."

16, line 3, after *of*, insert the "entry of."

17, Reference, insert "M. R. S. 91, § 25."

21, Reference, insert "1821, 67, § 9."

## CHAPTER 119.

- Sect.* 3, lines 4, 5, 6, 7, erase all after *abode*, in line 4, and insert "which shall be a sufficient service on the principal, whether any trustee is holden or not."
- 4, lines 1, 2, 3, 4, erase the first four lines, and insert "Such service on the trustee shall."
- 5, line 4, erase "but," insert "and in."
- line 5, erase "shall be commenced;" insert "such corporation for this purpose, shall be considered as having its residence."
- 6, line 4, erase "second," insert "further."
- line 5, erase "made before service on the principal," insert "the service be afterwards made, or renewed on the principal, but no costs for services shall be taxed for the plaintiff in such case, except for that last made."
- 7, line 2, erase "the cause shall be continued two terms," insert "and has no agent within the State, the same notice shall be given as is provided in the twenty-eighth section of chapter one hundred and fourteen, or the same proceedings may be had, as is provided in sections two and three, of chapter one hundred and fifteen, as they may be severally applicable."
- 8, line 1, after *towns*, insert "school districts."
- 11, line 1, erase "And."
- 12, line 2, erase "of," insert "by."
- 14, line 3, erase "interposition of the adjudication," insert "service of the trustee process upon him."
- 15, line 1, erase "But."
- 17, line 1, erase "And."
- 18, line 1, erase "And."
- 22, line 2, erase "who."
- 23, line 2, erase "depending," insert "pending."
- 24, line 5, after *first*, insert "term."
- 30, line 2, after *oath*, insert "in court,"—line 4, before *effect*, insert "same."
- 39, line 4, erase "is," insert "be."
- 42, line 1, erase "But."
- 47, line 5, after *trustee*, insert "but if such executor or administrator be discharged, he may recover costs or not, at the discretion of the court."
- 51, lines 1, 2, 3, erase "has in his possession any goods, effects or credits of the principal, which he holds or." line 4, after *defendant*, insert "any specific articles."
- 52, line 3, after *sections*, insert "from,"—line 4, after *four*, erase "and," insert "to."
- 53, line 7, after *contracts*, insert "and in other cases, the value of the property, as between the principal and trustee, shall be estimated and ascertained by the appraisal of three disinterested

men, one to be chosen by the trustee, one by the officer, and one by the principal, if he see cause; and if he neglect or refuse, then the officer shall appoint two of said appraisers; and they shall all be duly sworn to appraise the same, and the officer, justice, and appraisers shall certify their respective doings on the execution."

Sect. 55, line 1, erase "his hands," insert "the hands of the officer."

line 3, erase "the precinct of the officer," insert "his precinct."

60, line 7, after *liability*, insert "or performance of such contract or condition."

63, line 4, after *security*, insert "except in the case provided in the sixty-ninth section of this chapter."

line 4, Reference, erase "3 Mass. 289—5, 319," insert "1821, 61, § 15."

line 9, after *defendant*, insert reference, "3, Mass. 289. 5 Mass. 319."

After the reference to line 18, add,

"*Sixth*, by reason of any amount due from him to the principal defendant, as wages for his personal labor, for a time not exceeding one month."

"*Seventh*, where service was made on him by leaving a copy, and before actual notice of such service, or reasonable ground of belief that the same has been made, he shall have paid the debt due to the principal defendant, or given his negotiable security therefor."

Sect. 64, lines 4, 5, 6, erase, "and the suit shall not be delayed on account of the foreign attachment, unless the court, for good cause, shall see fit to," insert "but the court may, on motion of the plaintiff in the trustee suit."

65, lines 1, 2, 3, 4, erase all before *shall*, in line 4, and insert "if the first suit be not continued, and judgment be rendered therein, the defendant."

71, line 1, erase "But."

76, line 5, erase "as his own debt."

77, line 10, after *shall*, insert "not." Reference, erase "10," insert "9."

78, Reference, insert "1821, 61, § 9."

79, line 1, erase "And."

80, line 1, after *trustee*, insert "if,"—line 2, erase "if not," insert "shall not be."

84, line 1, erase "And."

87, Reference, erase "1827, 359, § 1."

88, line 1, erase "shall," insert "may."

89, line 3, after *costs*, insert on "scire facias."

90, Reference, erase "1827, 359," insert "1824, 275."

92, line 1, after last *the*, insert "principal or."

Reference, erase "1827, 359," insert "1824, 275."

93, Reference, erase "1827, 359," insert "1824, 275."

## 100 AMENDMENTS.—TITLE X. CHAP. 120—121.

- Sect.* 94, line 2, erase "judgment," insert "debt,"—line 5, erase  
"an offset," insert "a set off."  
95, erase all after *line* 6.  
96, line 1, erase "of," insert "in."
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### CHAPTER 120.

- Sect.* 2, Reference, after 16, erase "M." insert "Mass."  
6, line 9, after *amount*, insert "of the original judgment  
and interest thereon, not exceeding the full amount."  
lines 10, 11, erase "otherwise for the full amount of the  
original judgment, and interest thereon from the time  
it was rendered."  
7, line 8, after *him*, insert "and he had afterwards been  
non-suited or defaulted."  
9, line 3, erase "on," insert "if any there be, in the same  
manner as it might have been brought by or against."  
10, Reference, add "M. R. S. 93, § 1."  
11, line 2, after *on*, insert "the."  
Reference, erase "1821, 52, § 21," insert "M. R. S. 93,  
§ 2."  
12, Reference, erase, "1821, 52, § 21," insert "M. R. S  
93, § 3."  
13, Reference, erase "1821, 52, § 21," insert "M. R. S. 93  
§ 5."  
18, Reference, erase "12," insert "11."  
19, line 2, before *in*, erase "and."  
22, line 1, erase "And."  
25, line 8, after *give*, insert "bond with."  
31, line 4, after *might*, insert "otherwise."—erase "hereto-  
fore."  
32, line 11, after *held*, insert to "answer."
- 

### CHAPTER 121.

- Sect.* 1, line 1, erase "who now are, or may be."  
2, Reference, erase "1," insert "2."  
3, 4, References, add, "103, § 6."  
5, Reference, insert "M. R. S. 103, § 7, 8."

- Sect. 7, Reference, erase "1821, 37, § 2," insert "M. R. S. 103 § 10."
- 8, Reference, add "103, § 11."
- 9, Reference, add "103, § 12."
- 10, Reference, add "103, § 13."
- 11, Reference, add "103, § 14."
- 12, Reference, erase "M." insert "M. R. S. 103, § 14, 15."
- 13, Reference, erase "M." insert "M. R. S. 103, § 16."
- 16, line 4, after *decease*, insert "or convey his share,"—line 6, erase "or."
- line 7, before *inserted*, insert "or grantees respectively."
- Erase "survivors," insert "other petitioners."
- line 8, erase "or,"—line 9, after *devisees*, insert "or grantors."
- line 10, after *deceased*, insert "or grantor."
- 17, Reference, insert "M. R. S. 103, § 18."
- 18, line 4, erase "eighteenth," insert "eighteen." Reference, erase "M."
- 19, erase the section.
- 20, to be numbered "19."
- line 5, erase "and," insert "1821, 37, § 2." "Sect. 20."
- Reference, erase "1821, 37, § 2," insert "M. R. S. 103, § 21."
- 21, line 2, erase "any," insert "a,"—lines 4, 5, erase "the back of." Reference, erase "A."
- 22, line 6, erase "been," insert "then." Reference, erase "A."
- 24, Reference, insert "M. R. S. 103, § 24."
- 25, line 5, erase "such," insert "the."
- 26, line 5, after *concerned*, insert "and." Reference, insert "1821, 37, § 9."
- 27, line 3, erase "than," insert "then."
- 28, line 2, after *a*, insert "new."
- 29, Reference, insert "M. R. S. 103, § 29."
- 30, Reference, insert "M. R. S. 103, § 30."
- 31, line 3, erase "and," insert "of."—Reference, insert "M. R. S. 103, § 33."
- 32, line 5, after *any*, insert "time." Reference, insert "M. R. S. 103, § 34."
- 34, line 1, erase "But."
- 37, Reference, add "103, § 46."
- 38, line 1, erase "And." Reference, add "103, § 47."
- 39, line 4, erase "ninety-sixth," insert "one hundred and fourteenth."
- 40, line 3, erase "they," insert "the court."—line 10, erase now, insert "before."

102 AMENDMENTS.—TITLE X. CHAP. 122—125

CHAPTER 122.

*Sect.* 3, line 5, after *two*, insert “or.” Reference, erase “3,” insert “2.”

4, Reference, insert “1821, 41, § 3.”

5, Reference, insert “1821, 41, § 4.”

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CHAPTER 123.

*Sect.* 5, erase the section, and insert the following :

“Not more than one review shall be granted in the same action.”

*Sect.* 7, line 2, erase “is,” insert “be.”

9, Reference, erase “9,” insert “8.”

10, erase the reference.

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CHAPTER 124.

*Sect.* 2, line 3, after *but*, insert “it.”

3, Reference, erase “1821, 57, § 4,” insert “M. R. S. 99, § 5.”

4, line 4, erase “so.” Reference, insert “M. R. S. 99, § 6.”

5, Reference, erase “1825,” insert “1821.”

6, Reference, erase “1826, 347, § 5.”

8, line 2, erase “formal,” insert “former.” Reference, erase “1826, 347, § 5.”

9, Reference, erase “1826, 347, § 5.”

10, Reference, add “M. R. S. 99, § 11.”

12, Reference, insert “M. R. S. 99, § 13.”

13, Reference, insert “M. R. S. 99, § 14.”

14, Reference, insert “M. R. S. 99, § 15.”

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CHAPTER 125.

*Sect.* 1, line 4, erase “deed,” insert “instrument.”

line 5, after *defeasance*, insert “of the same date, and executed at the same time.”

*Sect. 2*, erase the whole section, and insert the following :

"Any mortgagee, or person claiming under him, may enter on the premises or recover possession thereof, before any breach of the condition of the mortgage, when there is no agreement to the contrary, but in such case, if the debt be afterwards paid, or the mortgage redeemed, the amount of the clear rents and profits from the time of the entry, shall be accounted for, and deducted from the amount due on the mortgage." "M. R. S. 107, § 9."

*Sect. 3*, lines 2, 3, erase "and holding,"—line 4, erase "these," line 7, after *action*, insert "as provided in the ninth section."

3, lines 11—20, erase these lines.

4, erase this section.

5, erase the first five lines of this section, and annex the remainder to section three.

line 6, erase "*First*," insert "*Third*."

line 8, after *county*, insert "or in the newspaper published by the printer to the State."

line 17, erase "*Second*," insert "*Fourth*."

line 20, after *hand*, insert "or by leaving the same at his place of last and usual abode."

Before *Sect. 6*, insert the following :

"*Sect. 4*. Such possession, obtained in either of the modes above prescribed, being continued for the three following years, shall forever foreclose the right of redemption. And where any mortgagee, or assignee of a mortgage, of real estate has taken possession of the premises mortgaged, for the purpose of foreclosure, neither he, nor any one claiming under him, shall afterwards recover on the demand secured by mortgage, more than the difference between the value of the mortgaged property, and the amount of such demand, unless he shall first discharge said mortgage: provided, that the rights of any bona fide holder of a negotiable security, who has obtained the same without knowledge of such taking possession, and before said security had become due, shall not be affected hereby." "1821, 39, § 1."

*Sect. 6*, to be numbered "5,"—line 3, before *such*, insert "taking possession or."

line 4, erase "preceding," insert "third."

7, to be numbered "6,"—line 4, erase "and," insert "M. R. S. 107, § 3. Sect. 7."

10, Reference, erase "3 Mass. 520."

11, line 2, erase "action," insert "same proceedings."

lines 2, 3, erase "must be brought," insert "may be had."

line 4, after *person*, insert "as the testator or intestate might have, if living."

14, lines 6, 7, erase "no defence," insert "his disclaimer thereto upon the records of the court."

16, line 1, erase "When,"—line 2, erase "shall," insert "may,"—line 3, erase "as."



104 AMENDMENTS.—TITLE X. CHAP. 125.

*Sect.* 16, line 4, erase “third, fourth and fifth sections,” insert  
“fifth section.” Before *shall*, insert “if he.”

17, line 9, erase “have.”

20, line 1, erase “hereafter.”

lines 4, 5, 6, erase “the twenty-ninth day of March one  
thousand eight hundred and thirty-seven or next  
after.”

21, Reference, erase “1838, 286,” insert “1821, 39.”

24, line 2, erase “such,” insert “any.”

25, line 2, erase “in the county of Kennebec.”

line 5, after *State*, insert “and award costs as they may  
deem equitable.”

lines 7, 8, 9, erase all after *mortgage*.

26, Reference, erase “1,” insert “9.”

27, Reference, erase “Mass. 12,” insert “12, Mass.”

29, line 4, after *him*, insert “having redeemed the equity  
of redemption within one year after such sale.”

32, line 8, erase “city,”—“or plantation.”

34, line 3, erase “hypothecater,” insert “hypothecation.”

line 5, after *as*, insert “may be after.”

Add the following sections :

“*Sect.* 35. Any ship carpenter, caulker, blacksmith, joiner, or  
other person, who shall perform labor, or furnish materials, for or  
on account of any vessel, building or standing on the stocks, or  
under repair after having been launched, shall have a lien on such  
vessel for his wages or materials, until four days after such vessel is  
launched, or such repairs afterwards have been completed ; and may  
secure the same, by an attachment on said vessel within that  
period, which shall have precedence of all other attachments.”

“1834, 104, § 1.”

“*Sect.* 36. In case any such creditor shall demand or claim  
more for his said services performed, or materials furnished as  
aforesaid, than is just and reasonable, the owner, agent, or contractor  
may tender the full, fair, and just balance to such claimant, and  
such tender shall, if refused, absolutely discharge the lien on such  
vessel.”

“1834, 104, § 1.”

“*Sect.* 37. Any person, who shall perform labor, or furnish mate-  
rials for the erecting, repairing, or altering any house, or other  
building or appurtenances, or furnish labor or materials for the  
above purposes, by virtue of any contract with the owner thereof,  
or other person, who had contracted with such owner, shall have a  
lien to secure the payment of the same, upon such house or build-  
ing, and the lot of land on which the same stands, and upon the  
right of redeeming the same when under mortgage : and such lien  
shall continue in force, for the space of ninety days from the time,  
when such payment becomes due.”

“1837, 273, § 1, and 298, § 1.”

“*Sect.* 38. Such person may secure the benefit of such lien, by  
an attachment of such house or building, land or right of redemp-  
tion within the said ninety days, and such attachment shall have  
precedence of all other attachments not made under any such lien.”

"Sect. 39. When the debtor shall tender to the creditor the sum justly due to him as aforesaid, such lien shall cease."

"Sect. 40. When any lot or parcel of land, or any mill privilege, may be leased for the purpose of having a house, shop, mill, or other building erected, or placed on the same, and where rent may be reserved in the lease, all the buildings erected as aforesaid, together with all the interest, which the lessee before had, or may have in the premises, by force of such lease, shall remain liable to be attached by any such lessor or his assignee, to secure the rent due on such lease, notwithstanding any previous transfer of property by the lessee; provided such attachment be made within six months from the time such rent becomes due." "1824, 258, § 12."

## CHAPTER 126.

Sect. 6, Reference, insert "M. R. S. 116, § 5."

20, line 2, erase "in," insert "before."

23, line 4, after cent, insert, deducting therefrom any rents and profits, which may have been received by such purchaser, or person holding under him; and may have the same process to compel the purchaser to account, as might be had against a purchaser of an equity of redemption.

After Sect. 23, insert the following:

"Sect. 24. When either party is dissatisfied with the annual compensation established as heretofore provided, a new complaint may be filed, and similar proceedings shall be had, and conducted substantially in the same manner, as provided in case of an original complaint." "1821, 45, § 6."

Sect. 24, to be numbered "25,"—line 3, erase "either," insert "one month after notice to the other party, and the other,"—line 4, erase "to the other."

25, to be numbered "26,"—line 5, erase "of."

26, to be numbered "27."

27, to be numbered "28."

28, to be numbered "29."

29, erase this section.

31, line 4, before *clerk*, insert "the." Reference, erase "29," insert "39."

32, Reference, erase "30," insert "40."

33, line 5, after *on*, insert "a."

**CHAPTER 127.**

- Sect.* 3, line 2, erase "bodies politic or proprietors."  
 6, line 1, after *if*, insert "the,"—line 6, before *defendant*, insert "the."  
 7, line 3, after *or*, insert "the,"—line 5, after *by*, insert "the."  
 8, line 5, erase "secretarys," insert "land agents."  
 9, line 5, erase "ter-tenant," insert "tenant in possession."  
 10, line 1, erase "ter-tenant," insert "tenant in possession."  
 15, line 1, erase "But."  
 17, line 3, before *estate*, insert "same."  
     lines 5, 6, erase "defendant and those, under whom he claimed," insert "tenant and those, claiming under the State."  
 18, line 1, erase "And,"—line 5, before *copy*, insert "a."  
     After *or*, insert "the."  
     line 6, after *jury*, insert "according to the principles of law."  
     Reference, insert "1821, 48, § 6."  
 19, line 1, erase "And." Reference, insert "1821, 48, § 6."
- 

**CHAPTER 128.**

- Sect.* 2, line 5, before *constable*, insert "a."  
 3, line 5, erase "amove," insert "remove."  
 4, lines 11, 12, erase "either party so refusing to recognize," insert "him, and if either party shall refuse so to recognize, said justice shall enter judgment, as in case of non suit or default, against the party so neglecting or refusing."  
 6, line 1, erase "And."
- 

**CHAPTER 129.**

- Sect.* 1, Reference, insert "M. R. S. 105, § 1."  
 2, line 1, erase "of," insert "for." Reference, insert "M. R. S. 105, § 2."  
 3, Reference, insert "M. R. S. 105, § 3."  
 4, Reference, insert "M. R. S. 105, § 4."  
 5, line 1, erase "And." Reference, insert "M. R. S. 105, § 5."  
 6, Reference, insert "M. R. S. 105, § 6."  
 9, line 1, erase "But."

*Sect.* 14, Reference, insert "M. R. S. 105, § 17."

16, line 1, erase "And."

17, erase the section, and insert the following:

"*Sect.* 17. All, or any one or more tenants in common, coparceners, or joint tenants, of any lands may join or sever in personal actions for injuries done to the same, setting forth in the declaration the names and additions of all the other co-tenants, if known."

"*Sect.* 18. Whenever any such co-tenant shall bring such action, he shall, before trial thereof, give to all the other co-tenants such notice as the court shall order, and all, or any of them, may, at any time before final judgment, become parties to the action; and the plaintiff, with such of the other co-tenants as shall thus become parties, may prosecute the suit for the benefit of all concerned."

"*Sect.* 19. The court shall enter up judgment for the whole amount of the injury proved to have been done to such lands, but shall award execution only for the proportion thereof, sustained by the plaintiffs actually prosecuting the suit."

"*Sect.* 20. The remaining co-tenants may afterwards, either jointly or severally, sue out a scire facias on such judgment, and execution shall be thereupon awarded for their proportion of the damages adjudged in the original suit."

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## CHAPTER 130.

*Sect.* 1, line 1, erase "any,"—line 7, after *chapter*, insert "one hundred and fourteen." Reference, erase "or."

3, Reference, erase "18," insert "8."

4, line 11, erase "or repleviable," insert "irrepleviable."

6, Reference, erase "1," insert "113."

8, Reference, after *M. R. S.* insert "113, §."

9, erase the reference, and insert "1829, 443. 1833, 67. M. R. S. 113, § 28."

10, erase the reference, insert "M. R. S. 113, § 29."

11, Reference, erase "5," insert "113."

12, Reference, insert "M. R. S. 113, § 21."

13, line 19, before *if*, insert "or." Reference, erase "3, 12. 12, §," insert "32. 12, Mass."

14, line 4, erase "returned," insert "received." After *any*, insert "of."

16, Reference, erase "16," insert "36."

17, Reference, add "M. R. S. 113, § 38."

108 AMENDMENTS.—TITLE X. CHAP. 131—133.

**CHAPTER 131.**

- Sect.* 3, line 1, erase "And."  
4, Reference, erase "1821, 72, § 1," insert M. R. S. 49, § 1."  
5, line 1, after *next*, insert "or any subsequent."  
7, lines 8, 9, erase all after *accusation*.  
12, Reference, erase "1821, 72, § 2."
- 

**CHAPTER 132.**

- Sects.* 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, Reference, erase "88," insert "81."  
6, line 3, erase "Portland," insert "the newspaper published by the printer to the State."  
8, lines 4, 5, erase "assessed and."  
9, line 5, erase "some," insert "two or more."  
10, erase "to prosecute his appeal with effect," insert "as in other cases of appeal."  
15, line 7, erase "of," insert "from." Reference, erase "1."  
17, line 4, after *town*, insert "and,"—line 6, erase "and."  
Reference, insert "M. R. S. 56, § 6."  
18, line 4, erase "first and," insert "thirteenth and fourteenth."  
Reference, insert "M. R. S. 56, § 10."
- 

**CHAPTER 133.**

- Sect.* 3, line 1, erase "But,"—lines 3, 4, erase these lines, and insert "writ, petition, libel, or other process, shall have been duly served upon the respondent, or such notice as is required by law, or ordered by the court, shall have been duly given; and no deposition taken as aforesaid, shall be used in the trial of any such cause, except by consent of parties, unless the notice hereinafter mentioned shall have been duly given to the adverse party."  
line 10, erase "till after such session."  
5, Reference, add "4."  
6, line 2, after *by*, insert "reading the same in his presence and hearing, or by."  
7, line 1, erase "But."

*Sect.* 11, line 5, after *deposition*, insert "of,"—line 7, erase "house," insert "the—."

12, line 9, erase "house," insert "—."

13, line 1, after *to*, insert "attend and."

line 2, erase "at any place within ten miles of his place of abode."

16, line 5, erase "and,"—line 7, erase "interested," insert "disinterested."

23, line 3, erase "depending," insert "pending."

24, erase "When a deposition is to be used."

lines 3, 4, 5, 6, erase after *representatives*; in line 3, to and including *elect*, in line 6, insert "either party."

25, line 2, after *writing*, insert "under oath." Reference, erase "1821, 101, § 1."

28, line 1, erase "And."

36, Reference, erase "86," insert "85."

37, line 1, erase "And." Reference, erase "86," insert "85."

40, line 1, erase "And,"—line 9, erase "twelve and one half," insert "twenty."

line 10, erase "one dollar and fifty cents," insert "two dollars."

line 11, erase "such witness," insert "his,"—line 12, after *aforsaid*, insert "he."

line 14, after *in*, insert "an."

Reference, erase "March 8," insert "382."

42, line 1, erase "And."

43, line 1, erase "And,"—line 3, after *justice*, insert "of the peace and quorum."

line 9, erase "&c." insert register, clerk, notary, or justice. Reference, erase "3," insert "2."

44, line 4, after *crime*, insert "of,"—erase "it," insert "he."

line 5, after *State*, insert "it."

50, 51, References, add "59, § 38."

54, lines 2, 3, 4, 5, 6, 7, 8, 9, 10, erase all after *State of*, in line 2, to and including *murder*, in line 10, and insert "any infamous crime."

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## CHAPTER 134.

*Sect.* 1, lines 2, 3, erase "or the territories thereof, or the district of Columbia."

3, Reference, insert "1837, 290, § 2."

## 110 AMENDMENTS.—TITLE X. CHAP. 135—136.

### CHAPTER 135.

- Sect.* 1, erase "shall continue to keep one jury box, and such selectmen."  
2, erase "and qualified to serve as jurors."  
3, line 5, erase "loan officers and revenue officers," insert "all officers of the United States,"—line 9, erase "councillors," insert "coroners, counsellors."  
4, line 3, erase "and,"—"they."  
5, line 3, after *required*, insert "the names of."  
7, lines 4, 5, 6, erase all after *into*, insert "not less than four, nor more than twelve districts."  
10, Reference, insert "1821, 83, § 4."  
16, lines 1, 2, 3, erase "of coroners being drawn at a time when the duties of a sheriff shall be devolved on him, by reason of vacancy in that office," insert "a person is drawn, who may have been appointed to an office, which exempts him from serving as a juror."  
line 10, after *years*, insert "or for reasons above mentioned shall not be liable to serve."  
line 15, after *years*, insert "or that they are not liable to be returned."  
19, line 1, erase "And."  
21, line 4, after *selectmen*, erase "shall,"—line 5, erase "such."  
22, line 1, erase "And such," insert "Any."  
23, line 1, erase "And." Reference, erase "1823," insert "1821, 84."  
24, Reference, erase "1823," insert "1821, § 84,"  
25, line 1, erase "And." Reference, insert "1821, 84, 20."  
26, 27, 28, 29, References, insert "1821, 84, § 20."  
26, line 1, erase "And,"—line 2, erase "he."  
27, line 5, erase "eighty," insert "two hundred."  
29, line 2, erase "be to the use of the State to."  
30, erase the section.  
31, to be numbered "30."
- 

### CHAPTER 136.

- Sect.* 1, line 4, erase "or,"—line 6, after *another*, erase "or,"—line 8, erase "or,"—line 10, after *them*, erase "or."  
2, 3, References, erase "174," insert "74."  
4, line 5, erase "that."  
9, Reference, erase "73," insert "74."  
10, Reference, insert "M. R. S. 74, § 13."  
11, after *entitled*, erase "it," insert "to."

**CHAPTER 137.**

- Sect.* 3, line 4, after *conusee*, insert "and the justice shall keep a record of all recognizances taken by him."  
5, line 7, erase "in the mean time," insert "before its maturity."  
6, Reference, add "2."  
7, line 2, after *judgments*, insert "may be renewed." Reference, erase "1," insert "2."  
8, line 3, after *conusee*, insert "and if the sum be less than ten dollars, the clerk shall not issue execution against the body."  
9, 10, erase the references.  
11, Reference, erase "2," insert "3."  
12, line 1, after *conusor*, insert "or conusees."  
13, Reference, insert "M. R. S. 118, § 18."  
14, erase the section.
- 

**CHAPTER 138.**

- Sect.* 5, Reference, add "§ 5."  
6, Reference, add "§ 6."  
7, Reference, insert "M. R. S. 114, § 7."  
9, line 3, erase "they," insert "the referees." Reference, add "§ 9."  
10, line 4, before *dissenting*, insert "certificate of the." Reference, add "11."  
11, Reference, add "§ 12."  
12, erase the reference.  
13, Reference, add "§ 13."  
14, line 3, erase "or auditor,"—line 4, erase "appearing before them." Reference, erase "M. R. S. 114," insert "1824, 262, § 1."
- 

**CHAPTER 139.**

- Sect.* 1, line 12, erase "require," insert "impose."  
4, line 4, erase "a," insert "the,"—erase "his," insert "their."



112 AMENDMENTS.—TITLE X. CHAP. 140—142.

CHAPTER 140.

- Sect.* 12, erase "57," insert "17."  
16, line 5, erase "or the provisions of," insert "as mentioned in."  
17, Reference, erase "1," insert "5."  
23, line 1, erase "eighth," insert "tenth,"—line 5, erase "its," insert "the process."  
line 8, erase "his control," insert "restraint,"—line 10, erase "time," insert "true."  
line 13, after *restraint*, insert "and has transferred such custody or restraint to another." Reference, erase "12," insert "14."  
26, line 4, after *therefor*, insert "he."  
29, line 7, erase "it," insert "he."  
32, Reference, erase "11," insert "12."  
33, line 3, erase "for the same," insert "therefor, in his name."  
Reference, erase "11," insert "12."  
35, line 5, after *the*, insert "same,"—line 6, erase "with," insert "which."  
line 7, after *court*, insert "may or can do."  
37, line 2, after *army*, insert "or navy."
- 

CHAPTER 141.

- Sect.* 2, line 1, after *to*, insert "prevent,"—erase "and," insert "or."  
line 2, after *a*, insert "judgment or."  
line 3, erase "from which execution issued," insert "in which judgment was rendered."  
5, line 1, erase "or," insert "of not guilty, with or without a brief statement, as the case may require or plead."  
6, line 7, after *execution*, insert "or within that time, satisfy the same execution."  
7, Reference, insert "1821, 65, § 9."
- 

CHAPTER 142.

- Sect.* 2, line 3, after *county*, insert "as the case may require."  
5, line 2, after *sureties*, insert, in like manner as he is answerable for taking insufficient bail in a civil action.

*Sect.* 6, erase the reference.

10, after *sufficient*, insert “property.”

16, erase the reference.

18, Reference, insert “1821, 66, § 5.”

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#### CHAPTER 143.

*Sect.* 10, line 5, after *law*, insert, “but if any person entitled to such writ, at the time such title accrued, shall be within the age of twenty one years, a married woman, insane, imprisoned, or out of the limits of the United States, then such person, his heirs, executors, or administrators may sue out the same within five years, after the removal of the disability aforesaid.”

13, line 4, after *effect*, insert “provided that the saving clause in the tenth section of this chapter, shall apply to this section also.”

Reference, insert “M. R. S. 112, § 23.”

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#### CHAPTER 144.

*Sect.* 2, line 2, after *demand*, insert “if he be in this State, otherwise of the tenant in possession.”

3, 4, References, after 1839, insert “363, §.”

5, Reference, erase “1839,” insert “1821, 40, §.”

7, line 3, before *dower*, insert “of.”

10, line 1, after *husband*, insert “for his fault.”

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#### CHAPTER 145.

*Sect.* 1, line 3, after *the*, insert “first,”—after *of*, insert “April.”  
line 4, after *and*, insert “forty-one.”

2, line 1, after *said*, insert “first,”—line 2, before *shall*, insert “April.”

Reference, erase “51,” insert “52.”

114 AMENDMENTS.—TITLE X. CHAP. 145.

*Sect.* 3, line 4, erase but, insert "or by copy of the writ upon the defendant, but if the defendant be not tenant in possession."

line 6. after writ, insert "and if the defendant be not an inhabitant of this State, the service on the tenant shall be sufficient notice to the defendant, or the court may order such further notice as they may deem proper."

Reference, erase "51," insert "1."

4, Reference, erase "52," insert "2."

5, Reference, erase "52," insert "3."

6, Reference, erase "52," insert "4."

7, line 1, erase "And." Reference, erase "52," insert "4."

8, Reference, erase "52," insert "5."

9, line 5, after *but*, insert "by a brief statement."

line 7, after *commenced*, insert "and disclaim any right, title, or interest therein."

line 8, before *only*, insert "or claiming."

line 11, after *case*, insert "and may disclaim the residue as aforesaid."

Reference, erase "52," insert "6."

10, Reference, erase "52," insert "7."

11, Reference, insert "M. R. S. 101, § 8."

13, to be numbered "14," and to be transferred to the place of *Sect.* 14.

Reference, add "101, § 14."

14, to be numbered "13," and to be transferred to the place of *Sect.* 13.

Reference, erase "com. law," insert "M. R. S. 101, § 11."

15, Reference, insert "M. R. S. 101, § 16."

16, line 4, erase "defendant," insert "demandant." Reference, add "M. R. S. 101, § 17."

17, Reference, insert "M. R. S. 101, § 18."

19, erase the section, and insert the following :

"No action, wherein the possession of land is or may be demanded, shall, at any stage of its progress, after having been entered in court, be abated by the death or intermarriage of either party thereto ; but the court wherein the same may be pending, shall proceed to try and determine such action, after such notice as the court may order, shall have been duly served upon the legal representatives of any party deceased, and all others interested in his estate as heirs, or upon the husband of any party intermarried, either personally, or by publication in some newspaper."

"*Sect.* 20. If, in such cases, any of the heirs of a deceased party are minors, the court shall order notice to their guardian, and shall have power to appoint a guardian "*ad litem*," if necessary ; and the court shall also direct all necessary amendments to be made in the forms of proceeding."

“Sect. 21. Where judgment shall be for the demandant in any such case, the court may order one or more writs of possession to be issued, as may be necessary, and where such judgment shall be against the representatives or heirs of any deceased party, a writ of possession may be issued against all such as may have been notified according to the provisions of the nineteenth and twentieth sections, whether they have appeared and defended said suit or not; and such judgment shall be conclusive against all who have appeared and defended said suit, or who have been notified to appear as aforesaid.”

“Sect. 22. In all such cases, full costs shall be allowed to the prevailing party, and the court may order one or more executions to be issued therefor, as law and justice may require, either against the goods and estate of a deceased party in the hands of his executor or administrator, or otherwise, according to the legal rights and liabilities of the parties; and may further order any such stay of execution, as the situation of the estate may require.”

Sect. 20, to be numbered “23.”

21, to be numbered “24,”—line 1, erase “But.”

22, to be numbered “25.” Reference, erase “1.”

23, to be numbered “26.” Reference, erase “4,” insert “3.”

24, to be numbered “27,”—line 4, after *made*, insert “or waste committed.”

Reference, erase “2,” insert “1.”

25, to be numbered “28.”

Reference, erase “2,” insert “1.”

26, to be numbered “29.”

Reference, erase “2,” insert “1.”

27, to be numbered “30.”

Reference, erase “2” insert “1.”

28, to be numbered “31.”

line 8, after *same*, insert “and the interest until sixty days after an execution might have issued as aforesaid, notwithstanding any intermediate conveyance, attachment, or seizure upon execution.”

29, to be numbered “32,”—line 2, after *and*, insert “the same may be.”

30, to be numbered “33.”

line 8, erase “to the party,” insert, “then the tenant,”—erase “him for,” insert “the original demandant to recover back.”

31, to be numbered “34.”

32, to be numbered “35.”

33, to be numbered “36.” Reference, erase “1 Greenleaf 343,” insert “47, § 2.”

34, to be numbered “37.”

35, to be numbered “38.”

36, to be numbered “39,”—line 4, erase “defendant,” insert “demandant,”—erase “offset,” insert “set off.”

*Sect.* 37, to be numbered "40."

38, to be numbered "41,"—lines 3, 4, erase "twenty-sixth, twenty-seventh, and twenty-eighth," insert "twenty-ninth, thirtieth, and thirty-first."

39, to be numbered "42."

40, to be numbered "43,"—line 5, after *by*, insert "him."

41, to be numbered "44."

42, to be numbered "45."

43, to be numbered "46."

44, to be numbered "47."

45, to be numbered "48."

46, to be numbered "49,"—line 1, erase "depending," insert "pending."

Insert the following, as *Sect.* 50 :

"*Sect.* 50. In all actions respecting lands, or any interest therein, any title deed offered in evidence may be impeached by the defendant, as obtained by fraud, where the grantor, if a party, could so impeach it, provided the defendant has been in the open, peaceable, and adverse possession of the premises, for the term of twenty years."  
"1840, 73."

## CHAPTER 146.

*Sect.* 1, line 1, after States, insert, "or of some justice of the peace in this State."

line 9, after record, insert "except justices of the peace in this State."

Reference, erase "52, § 1," insert "62, § 7."

2, Reference, erase "52," insert "62."

3, Reference, erase "52, § 16," insert "62, § 7."

7, Reference, erase "67, § 8," insert "62, § 10."

9, Reference, after 120, insert "§ 5."

10, Reference, erase "529," insert "62, § 9."

11, Reference, add "120, § 7."

12, line 11, after *executor*, insert "or." Reference, erase "52," insert "62."

13, Reference, erase "52," insert "62."

14, Reference, add "§ 8."

17, erase this section.

18, to be numbered "17."

19, to be numbered "18."

line 3, after thereto, insert "or if a fraud shall be committed, which entitles any person to an action, in either case."

- Sect.* 19, line 5, erase "to the action," insert "thereto."  
 20, to be numbered "19."  
 21, to be numbered "20."  
     lines 1, 2, erase "or joint executors or administrators of any contractor."  
     Reference, erase "44," insert "14."  
 22, to be numbered "21,"—lines 2, 3, erase "or joint executors or administrators of any contractor."  
 23, to be numbered "22."  
 24, to be numbered "23."  
 25, to be numbered "24."  
 26, to be numbered "25,"—line 2, after *State*, insert "or of a justice of the peace in this State."  
     Reference, erase 1821, 52, § 13, insert "M. R. S. 120, § 24."  
 27, to be numbered "26,"—line 6, after *unless*, insert "the defendant be."  
     line 10, erase "ninth," insert "twelfth."  
 28, to be numbered "27."  
 29, to be numbered "28."  
 30, to be numbered "29."  
 31, erase this section.
- 

## CHAPTER 147.

- Sect.* 2, Reference, add "§ 2."  
 3, 4, 5, References, add "§ 3."  
 6, Reference, add "§ 4."  
 7, Reference, erase "5," insert "4."  
 8, Reference, erase C. insert "§ 6, 6."  
 9, Reference, add "§ 10."  
 10, after *chapter*, insert "one hundred and forty-five."  
 11, Reference, erase "1826, insert "1821."  
 12, line 5, after *State*, insert as reference, "M. R. S. 119, § 12." Erase "But," insert "Sect. 13."  
     line 11, erase "any demandant," insert "either party."  
     line 13, erase "commit," insert "commence." Erase the reference.  
 13, erase this section.  
 14, Reference, add "27."  
 15, line 1, erase "And." Reference, insert "M. R. S. 60, § 28."  
 16, line 1, erase "And,"—line 5, after *with*, insert "the."  
     Reference, insert "M. R. S. 60, § 28."

CHAPTER 148.

*Sect. 2*, line 6, erase "more than ten dollars," insert "ten dollars or more."

line 12, after *he*, erase "is," insert "has." Reference, erase "1."

3, line 5, erase "to be by such debtor selected."

4, line 4, after *for*, insert "every,"—erase the reference.

6, line 1, erase "And." Reference, erase "1828, 414, § 4," insert "1835, 195, § 4."

7, Reference, erase "1828," insert "1835."

8, line 8, after *section*, insert "thirty two."

line 9, after *chapter*, erase "11," insert "one hundred and fourteen."

Reference, insert "1835, 195, § 5."

11, before *The*, insert "On,"—line 4, erase "be."

13, between *or* and *justice*, insert "the,"—line 6, after *order*, insert "under the."

16, line 12, after *in*, insert "such,"—line 15, after *magistrates*, insert "or."

17, line 6, after *be*, insert "in,"—line 19, after *in*, insert "said," erase "and in."

lines 20, 21, erase "said bond unless called for, or accepted by the creditor, shall be returned by the officer taking;" insert "if such bond be taken by the officer serving the writ he shall return."

Reference, erase "197," insert "195." Add "1826, 245, § 3, 4."

Article II, erase "*the*," insert "*after*,"—erase "*thereon*," insert "*thereof*."

*Sect. 18*, line 4, after *costs*, insert "or,"—erase "or," insert "on." line 6, erase "interest and."

19, line 1, erase "and where except," insert "except where."

21, line 4, after *of*, insert "any."

23, after *served*, insert "in like manner."

25, Reference, add "98, § 6."

26, line 2, erase "proper," insert "pertinent." Reference, add "98, § 8."

28, line 3, after *possession*, insert, reversion—line 6, after *have*, insert "now."

29, line 8, before *choose*, insert "may."

line 12, after *charges*, insert "and the creditor or his attorney if present, shall have the right to select the property to be so appraised."

line 20, erase "on," insert "or."

31, line 19, before *chapter*, insert "one hundred and forty-eighth."

line 20, after entitled, erase "of,"—line 21, erase *was*, insert "is."

*Sect. 32*, line 7, erase “thirty-fourth and forty-seventh,” insert “thirty-four, forty-seven, and forty-eight.”

*Sect. 33*, line 2, after *peace*, insert “and,”—line 5, erase “monies,” insert “names.”

Reference, erase “20,” insert “520.”

*Sect. 36*, lines 1, 2, erase “it appear that the judgment debtor at the time of such examination,” insert “the judgment debtor shall not entitle himself in the opinion of the justices to the benefit of the oath provided in the twenty-eighth section, and if it shall appear that said debtor, at the time of such examination.”

*Sect. 38*, line 5, erase “or,” insert “and.”

*Sect. 39*, lines 4, 5, 6, erase all after *interest*, and insert “on the same, against all the obligors, and a special judgment shall be also rendered against the said principal debtor, for a further sum, equal to the interest on the same, at the rate of twenty per cent. by the year, after the breach of the bond.” Reference, add “15 Maine Rep. 340.”

*Sect. 40*, line 5, erase “and,”—line 6, after *seventh*, insert “and forty-eighth.”

line 7, after *certificate*, insert “for that reason.”

*Sect. 43*, line 7, after *sustained*, insert “by him.”

*Sect. 46*, erase this section, and insert the following :

“In all cases of disclosure, provided for in this chapter, one of the justices may be selected by the debtor, and the other by the creditor, his attorney, or agent, if the same can conveniently be done, otherwise by the officer having such debtor in charge, if there be any such officer ; if not by the jailer of the county : and said officer or jailer may also select, in case the parties, or either of them decline so to do. In case said justices so elected do not agree, they may select a third, and a majority shall decide ; and if said two justices are unable to agree on a third, he may be selected by the officer or jailer, as before provided.”

*Sect. 50*, line 6, erase “for,” insert “from.”

*Sect. 52*, line 3, erase “exemption,” insert “execution.”

*Sect. 53*, line 9, after *in*, insert “the.”

*Sect. 54*, line 1, before *one*, insert “the,”—line 2, after *hundred*, insert “and.”

*Sect. 55*, line 6, after *hundred*, insert “and.”

*Sect. 56*, line 5, erase, “claim relief as a pauper,” insert “make oath before some justice of the peace of the county, where he is imprisoned, that he has no means, that are, or can be made, available for his support.”

line 9, after *confinement*, insert, provided, that whenever any debtor shall stand committed on more than one execution at the same time, the keeper shall be entitled to receive pay for board only on the first execution, and such board shall be paid for equally by all the creditors, on whose executions such debtor



may be committed, and the creditor first committing, shall have a several right of action against the other committing creditors, for their proportion of such board; and if any debtor, standing committed on several executions, shall be discharged on the first of them, the jailer shall give a new notice to the creditor, on whose execution the debtor may have been next committed, of his liability to pay for the support of such debtor, in like manner as on the first execution." Reference, add "1840, 58."

*Sect.* 60, line 10, after *authority*, insert "to levy the same upon the body of the released debtor."

61, line 1, erase "in the exemption," insert "on the execution."

63, Reference, add "2."

64, erase "Previous," insert "Previously,"—lines 7, 8, erase these lines.

66, line 7, erase "on," insert "or other." Reference, erase "2," insert "1."

67, Reference, erase "2," insert "1."

70, line 7, after *attorney*, insert "of the county."

line 9, before *return*, insert "and." After *thereupon*, insert "may be."

71, lines 4, 5, erase all after *State*.

## TITLE XI.

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### CHAPTER 149.

- Sect. 1*, line 6, erase "and,"—line 7, after *Kennebec*, insert "and Penobscot."  
line 15, after *hops*, insert "and of butter and lard."  
Reference, erase "1826, 332, § 1," add "1840, 50."  
3, Reference, erase "1823," insert "1822."
- 

### CHAPTER 150.

- Sect. 1*, line 10, erase, "Surveyor general one thousand dollars."  
line 17, Reference, erase "Feb. 25, 10," insert "373, 10."  
line 31, Reference, erase "March 22," insert "408."  
Before line 32, insert as follows :  
*From the treasury of their respective counties :*  
Judges of probate in the county of  
York, three hundred dollars.  
Cumberland, four hundred dollars.  
Lincoln, three hundred dollars.  
Kennebec, three hundred dollars.  
Hancock, two hundred and twenty-five dollars.  
Oxford, two hundred dollars.  
Somerset, one hundred and fifty dollars.  
Washington, two hundred and fifty dollars.  
Penobscot, two hundred and seventy-five dollars.  
Waldo, one hundred and fifty dollars.  
Franklin, one hundred dollars.  
Piscataquis, sixty dollars.  
Aroostook, fifty dollars.  
"1821, 107, § 1. 1826, 343, § 1. 1824, 267, § 1. 1834, 107, § 1.  
1836, 224, § 1. 1836, 205, § 1. 1834, 111, § 1. 1828, 373, § 1.  
1839, 383, 393. 1840, 3, § 3."

122      AMENDMENTS.—TITLE XI.    CHAP. 151.

*Sect. 1*, line 36, erase “five,” insert “six,”—line 38, erase “south district.”

line 39, erase this line—line 42, erase “seven,” insert “six.”

line 46, after *Aroostook*, insert “one hundred and twenty-five dollars.”

Reference, erase “1831,” insert “1834,”—erase “March 12, 14,” insert “333, 393.” Add “1840, 3, § 3.”

lines 50, 51, erase these lines. Reference, erase “1835, 167. 1839, March 23.”

2, line 7, erase “the lands and.”

3, erase all the section after *courts*, in line 1, and insert “in their respective counties, shall be entitled to the following salaries to be deducted from the gross amount of fees accrued for services in their several offices, if so much shall have so accrued, during the year preceding, and shall be accounted for as provided in section six, of chapter one hundred, viz :

York, eleven hundred dollars.

Cumberland, sixteen hundred dollars.

Lincoln, thirteen hundred dollars.

Kennebec, fourteen hundred dollars.

Penobscot, fifteen hundred dollars.

Oxford, nine hundred dollars.

Somerset, eight hundred and fifty dollars.

Hancock, seven hundred dollars.

Waldo, eight hundred dollars.

Franklin, seven hundred dollars.

Piscataquis, seven hundred dollars.

Washington, fourteen hundred dollars.”

Aroostook, seven hundred dollars.

4, erase this section.

5, to be numbered “4,”—line 4, erase “and to,”—line 9, erase “and fifty cents.”

6, to be numbered “5.”

7, to be numbered “6.”

8, to be numbered “7,”—line 5, erase “salaries,” insert “salary.” Erase “judge and.”

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CHAPTER 151.

*Sect. 1*, line 2, erase “seventeen,” insert “ten.”

lines 3, 4, erase “For the declaration in each writ on original summons, forty cents.”

line 6, erase “cases,” insert “causes,”—line 13, erase “fifty,” insert “fifteen.”

AMENDMENTS.—TITLE XI. CHAP. 151. 123

- Sect. 1, line 21, after *himself*, insert "of,"—line 56, erase "1825," insert "1835."
- 2, line 7, after *services*, insert "from the treasury of the county." After *of*, erase "the," insert "said."
- 3, line 28, erase "twenty-five," insert "ten,"—line 37, erase "and."
- line 49, erase "and fifty-five cents," insert "and in an equity case, the court may allow a further sum, not exceeding ten cents a page in the whole, for making up the record, to be taxed by the clerk."
- line 53, erase "sixty-five," insert "twenty-five."
- line 55, erase "thirty-five," insert "fifteen,"—line 57, erase "eighty," insert "fifty."
- line 58, erase "fifty," insert "twenty-five,"—line 62, erase "twenty," insert "twelve."
- line 63, erase "six," insert "five,"—line 70, erase "and."
- line 71, erase "ten," insert "five,"—line 73, erase "twenty," insert "ten."
- line 74, erase "twenty," insert "ten,"—line 75, erase this line.
- line 79, erase "fifty," insert "twenty-five."
- 4, line 21, erase "eighteen," insert "thirty-two,"—erase "eleven," insert "one hundred and fourteen."
- lines 21, 22, erase "four cents a mile for actual travel or."
- line 63, after *in*, insert "the twenty-ninth section of."
- line 86, after *dollar*, insert "per day."
- lines 115, 116, 117, 118, 119, erase these lines.
- line 120, erase "dispersing," insert "distributing,"—erase "jurymen," insert "jurors, eight cents each."
- lines 120, 121, erase "and proclamations of all kinds eight cents each," insert "fifty cents each."
- lines 125, 126, erase "as directed by section of chapter ."
- lines 128, 129, 130, 131, 132, after *dollars*, in line 128, erase to and including court, in line 132. After *treasury*, insert reference, "1828, 408, § 1."
- lines 134, 135, 136, 137, 138, erase all after *day*, in line 134, and insert "from the county treasury."
- Reference, erase "1836," insert "1835."
- 6, lines 9, 10, 11, 12, 13, erase all after *jurymen*, insert "seventy-five cents each, for each days attendance, and four cents a mile for travel each way."
- 9, line 3, after *the*, insert "same,"—line 4, after *longer*, insert "or shorter."
- 10, lines 6, 7, erase all after allowed, insert "one dollar per day, and four cents a mile travel each way."
- 11, line 3, after trial, insert "by jury."
- 12, Reference, erase "7," insert "8."

124 AMENDMENTS.—TITLE XI. CHAP. 152.

- Sect. 13*, lines 12, 13, erase "sections ninety-four and ninety-five," insert "section one hundred,"—line 35, after *district*, insert "court."
- 14, Reference, erase "March 23," insert "409."
- 15, line 4, after *chapter*, insert "sixteen." Reference, erase "367, § 9," insert "121, § 41."
- line 16, erase "attendance," insert "allowance." (See chap. 16, § 125.)
- 16, line 15, erase "council," insert "counsel."
- 18, lines 2, 3, erase all after *paper*, insert "twelve cents a page."
- lines 6, 7, erase these lines,—line 11, erase "fourteen," insert "twelve."
- 19, line 3, after *to*, insert "receive."
- 21, line 2, erase "measurer," insert "measurers."
- line 12, Reference, erase "March 7," insert "379, § 6."
- line 32, Reference, erase "1832, 18, § 4," insert "1822, 208, § 2, 1823, 239, § 2."
- line 61, Reference, erase "March 22, 25," insert "403, § 5."
- line 63, erase "eight," insert "six,"—line 64, erase "eight," insert "six."
- line 67, erase "eight," insert "six,"—line 75, after *inspecting*, insert "and."
- 23, line 6, erase "and a half."
- 28, line 11, after *in*, insert "an." Reference, erase "Feb. 29," insert "374, § 1."

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CHAPTER 152.

- Sect. 2*, Reference, erase "225," insert "235."
- 4, line 5, erase "on," insert "or."
- 9, line 5, erase "and," insert "Franklin, Piscataquis, and Aroostook, nor."
- 12, lines 2, 3, 4, erase all after *peace*, in line 2, insert "or, being convicted, shall not be sentenced to pay costs, or, being sentenced to pay costs, shall not pay them to said justice."
- Reference, erase "1835," insert "1825."
- 16, line 10, erase "and leave copies thereof with the commissioners."
- 18, line 4, after *same*, insert "to the treasurer of the county."

*Sect.* 18, lines 5, 6, 7, erase all after distress; insert "or such other process therefor, as the court may find necessary, to enforce the execution of any order, sentence or judgment, for or in behalf of the State, and deliver the same to the sheriff, or to such coroner or constable as the attorney general, or county attorney shall direct, and shall enter of record the name of the officer, and the time when the same is delivered to such officer."

20, line 2, erase "ten," insert "thirty,"—line 6, erase "twenty," insert "thirty."

lines 8, 9, 10, 11, erase all after amount, and insert, "and it shall be the duty of the county treasurer to give notice of such delinquency to the county attorney, who shall sue for the same in an action of debt in the name of such treasurer, to the use of the State or county."

22, line 5, after *county*, insert "and in cases where they accrue to the town, to the treasurer of the town."

line 7, erase "thirty dollars," insert "double the amount."

lines 7, 8, 9, 10, erase all after *recovered*, insert "in the same manner as is provided in the twentieth section, in cases where they accrue to the State or county; and in cases where said fines accrue to the town, in an action of debt by the treasurer of the town."

25, line 2, after *render*, insert "to be transmitted."

line 3, before *section*, insert "twenty-third."

27, Reference, erase "203," insert "303."

31, erase the section.

32, to be numbered "31,"—line 6, after *section*, erase "twelve and."

33, to be numbered "32,"—line 1, after *secretary*, insert "of State."

line 2, after *schedules*, erase "of," insert "for."

34, to be numbered "33."

35, to be numbered "34,"—line 5, erase "were," insert "was."

## TITLE XII.

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### CHAPTER 153.

- Sect.* 1, Reference, add "Art. 1, § 12."  
2, Reference, add "Art. 1, § 12."
- 

### CHAPTER 154.

- Sect.* 8, Reference, erase "4," insert "5."  
12, Reference, erase "686."  
18, line 3, after *defiled*, insert "he."  
19, erase the reference, and insert "N. Y. R. S. 663. Common law. 3 Hen. vii, ch. 2, 39. Eliz. ch. 9."  
20, line 5, erase "and," insert "or." After *seize*, insert "or."  
line 8, before *as*, insert "sell,"—after *slave*, insert "or in any manner transfer for any term the service of."  
Reference, erase "March 15," insert "323, § 1."  
21, Reference, erase "March 15," insert "323, § 1."  
25, erase, "following," insert "preceding."  
26, Reference, erase "57," insert "17."  
43, line 10, after *injured*, insert "in."  
34, line 1, after *convicted*, insert "upon indictment."  
35, line 1, after *have*, insert "convenient,"—line 2, erase "committed in his county."  
line 3, after *batteries*, insert "committed in his county."  
line 4, after *conviction*, insert "he."
- 

### CHAPTER 155.

- Sect.* 5, erase "shop," insert "ship."  
8, Reference, erase "61," insert "6."  
9, line 5, erase "confederates," insert "confederate."  
12, Reference, erase "675."

**CHAPTER 156.**

- Sect.* 1, Reference, erase "1," insert "2."  
7, line 8, after *person*, erase "whom," insert "where."  
10, erase "bury," insert "buy."  
12, line 2, erase "burying," insert "buying,"—line 5, erase  
"burying," insert "buying."  
13, line 1, erase "burying," insert "buying."  
14, line 2, erase "burying," insert "buying."
- 

**CHAPTER 157.**

- Sect.* 5, line 11, after *counterfeit*, insert "he."  
6, Reference, erase "3," insert "2."  
11, line 4, erase "and."  
17, line 2, after *number*, insert "of pieces."  
20, line 5, erase *three*, insert "ten."  
lines 5, 6, 7, erase all after *years*.  
21, lines 2, 3, erase "sums following by way of reward,"  
insert "following rewards."
- 

**CHAPTER 158.**

- Sect.* 1, line 7, after *is*, insert "or may be."  
5, Reference, erase "63," insert "682."  
9, erase "preceding," insert "seventh."  
10, line 8, after *or*, insert "which."  
15, line 5, after *postponing*, insert "delaying or neglecting."  
lines 6, 7, erase "or for omitting, or delaying the sale  
of property on execution."  
16, line 4, after *on*, insert "any."  
19, line 4, after *section*, erase "be," insert "he."  
22, lines 4, 5, erase "or by fine not exceeding one thousand  
dollars."  
Reference, erase "1821," insert "1829."  
23, line 3, erase "not capital,"—"of." After *offence*, insert  
"not capital."  
26, Reference, erase "97," insert "92."



CHAPTER 159.

- Sect. 2*, line 2, after *or*, insert "when." Reference, erase "2," insert "1."
- 3, Reference, erase "2," insert "1."
- 9, line 2, after *the*, insert "preceding section."
- line 7, erase "and also such further orders as they may receive," insert "or."
- 10, line 8, after *judge*, erase "or." After *sheriff*, insert "magistrates or officers."
- 11, line 1, erase "so assembled,"—line 2, after *riotously*, insert "assembled."
- 13, line 4, erase "of," insert "on."

CHAPTER 160.

- Sect. 2*, line 2, erase "each other, for the cause of prior marriage or adultery," and insert "the bonds of matrimony."
- 6, lines 4, 5, 6, 7, 8, erase after *time*, in line 4, to and including *life*, in line 8."
- 13, line 6, after *been*, insert "done as."
- 14, Reference, erase "692."
- 17, line 6, erase "three," insert "ten."
- 18, line 4, after *poor*, insert "police officer or constable."
- line 14, erase "of the fourteenth section of the two," insert "in the one."
- 20, lines 4, 5, erase "and subject to the provisions of the eighteenth section of this," insert "provided in the one hundred and seventieth."
- 24, line 10, erase "to."
- line 11, after *under*, insert "penalty of." After *punishment*, insert "for neglect or refusal," erase "eighth," insert "sixth."
- line 12, erase "two," insert "one."
- 25, erase "ten," insert "twenty."
- 26, line 5, after *entertainment*, insert "encouraging the same."
- 27, line 6, erase "on," insert "or."
- 31, lines 1, 2, erase "sheriffs, deputy sheriffs, grand jurors, and constables."
- 32, line 5, after *thereof*, insert "from its place of interment."
- 35, line 4, erase "six months," insert "one year,"—erase "one," insert "two."
- Reference, erase "131," insert "130."
- 36, line 8, erase "six," insert "three." Reference, erase "131," insert "130."
- 38, Reference, erase "1," insert "2."

AMENDMENTS.—TITLE XII. CH. 161—164. 129

**CHAPTER 161.**

- Sect.* 2, line 5, after *profits*, insert "made."  
3, Reference, erase "77," insert "71."  
9, line 1, after *or*, insert "other." Reference, erase "125,"  
insert "126."  
11, Reference, erase "96, 580," insert "536."
- 

**CHAPTER 162.**

- Sect.* 3, Reference, erase "1834, 98, § 1."  
4, line 9, Reference, insert "1834, 98, § 1."  
8, line 6, erase "board guide," insert "guide board."  
line 11, erase "six months," insert "one year,"—line  
12, erase "fifty," insert "one hundred."  
12, Reference, erase "1825, 312, § 1."
- 

**CHAPTER 163.**

- Sect.* 4, Reference, erase "11."
- 

**CHAPTER 164.**

- Sect.* 3, line 5, after *complaint*, insert "shall be admitted by the  
defendant, by default or otherwise."  
6, lines 4, 5, erase "within the provisions of this chapter."  
line 13, erase "on ways." Before *chapter*, insert "twenty-  
fifth."  
Reference, erase "465," insert "462."
- 

**CHAPTER 165.**

- Sect.* 1, line 4, after *ridicule*, insert "or."  
2, after *who*, insert "wilfully."  
3, Reference, erase "2," insert "3."  
5, line 6, erase "was."

CHAPTER 166.

- Sect. 1*, line 6, erase “two,” insert “one,”—line 9, erase “two,” insert “one.”  
line 9, erase “sixtieth,” insert “fifty-fifth,”—line 12, erase “two,” insert “one.”  
*3*, line 3, after *court*, erase “and,”—line 8, erase “two,” insert “one.”
- 

CHAPTER 167.

- Sect. 6*, line 2, after *wife*, insert “parent or child.”  
8, Reference, erase “10,” insert “11.”  
15, erase all after years, in line 8. Reference, add “140, 11.”
- 

CHAPTER 168.

- Sects. 2, 3*, References, erase “110,” insert “111.”  
11, line 4, erase “district,” insert “county.”
- 

CHAPTER 169.

- Sect. 1*, line 2, after *offence*, insert “other than contempt of court.”  
2, Reference, erase “2,” insert “1.”  
7, line 6, after *required*, insert “The magistrate shall also return a copy of the warrant to the district court, next to be holden in the same county, and such court shall then have cognizance of the case, in the same manner as if the party accused had appealed to such court.”
- 

CHAPTER 170.

- Sect. 4*, Reference, erase “1823, 235, § 1,” insert “1821, 76, § 1.”  
5, line 4, at the end, insert “one hundred and sixty-sixth chapter.”

## AMENDMENTS.—TITLE XII. CHAP. 171. 131

- Sect.* 5, Reference, erase "1823, 235," insert "1821, 76."  
 6, 7, 10, 11, References, erase "1823, 235," insert "1821, 76."  
 7, line 3, after *law*, insert "notwithstanding there may be a penalty accruing in whole or in part to his own town."  
 8, lines 4, 5, 6, 7, erase the lines and insert, "and the justice or judge shall grant the appeal, and order him to recognize in a reasonable sum not less than twenty dollars, with sufficient sureties for his appearance, and for prosecuting his appeal; and he shall stand committed till the order is complied with."  
 11, line 2, after *himself*, insert "or any other justice."  
     line 3, after *State*, insert "except to appear before himself."  
     line 4, after *general*, insert "or county attorney."  
 12, erase the section.  
 13, to be numbered "12."  
 14, erase the section, and insert the sections proposed by the commissioners in the notes, to be substituted, and number them Sects. 13, 14, 15, 16.

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### CHAPTER 171.

- Sect.* 2, line 11, after *law*, insert "and in the same warrant may require the officer to summon such witnesses, as shall be therein named, to appear and give evidence on the examination."  
 6, line 4, erase "magistry," insert "magistrate."  
 12, line 3, after *witnesses*, insert "under oath,"—line 4, erase "and then."  
     lines 5, 6, erase these lines.  
 13, line 1, erase "such proceedings are completed," insert "which."  
     line 2, before *examined*, insert "sworn and."  
 15, line 2, erase "the witnesses examined," insert "any witness."  
     line 3, erase "such witnesses," insert "him."  
 16, Reference, erase "18," insert "16."  
 17, line 1, erase "so,"—line 3, erase "then," insert "and."  
     line 8, erase "triable by such justice, he may try it," insert "within the jurisdiction of such justice he may proceed to try the same, and award sentence thereon."  
 18, Reference, erase "20," insert "19."  
 21, line 3, erase "women," insert "woman."  
 23, Reference, erase "25," insert "23."

## 132 AMENDMENTS.—TITLE XII. CH. 172—174.

- Sect.* 24, Reference, erase "26," insert "24."  
25, line 8, erase "had," insert "has."  
26, erase "remedy," insert "injury."  
28, line 4, after *surety*, insert, "with costs of prosecution, if any."
- 

### CHAPTER 172.

- Sect.* 1, line 5, after *out*, insert "from the."  
2, line 8, erase "a."  
12, line 3, erase "shall," insert "may."  
13, line 2, erase "shall," insert "may."  
20, Reference erase 1837, 292, § 3, insert "M. R. S. 81, § 44."  
21, line 5, after *but*, insert "the court."  
Reference, erase 1837, 292, § 3, insert "M. R. S. 81, § 44."  
22, Reference, insert "M. R. S. 136, § 23."  
37, Reference, erase "2," insert "1."  
38, line 2, erase "rendered," insert "arrested."
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### CHAPTER 173.

- Sect.* 1, line 9, erase "*prison*," insert "the insane hospital."  
2, line 1, erase "prison," insert "the insane hospital."  
line 4, after *committed*, insert "and if he have no settlement in any town in this State, then at the expense of the State."  
3, line 3, erase "within their county," insert for the county of Kennebec."  
4, line 3, after *quorum*, insert "for the county of Kennebec,"  
lines 6, 7, erase "the county, in which such insane person is confined," insert "said county."
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### CHAPTER 174.

- Sect.* 2, line 1, erase "That."

CHAPTER 175.

- Sect. 1*, lines 4, 5, erase "three months," insert "thirty days."  
line 6, after *cause*, insert "and if he be unable to pay  
such fine and costs."  
line 8, erase "in one year from date," insert "on de-  
mand."  
line 12, erase "three months," insert "thirty days."
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CHAPTER 176.

- Sect. 1*, Reference, add "M. R. S. 140, § 1."  
2, line 1, erase "shall,"—line 8, erase "appear."  
9, line 7, erase "of," insert "for."
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CHAPTER 177.

- Sect. 2*, Reference, erase "2," insert "3."  
4, line 3, after *clerk*, insert "and."  
5, line 2, after *of*, insert "the."  
10, line 6, erase "or as," insert "and."  
14, lines 2, 3, erase "process," insert "processes."  
20, line 2, erase "two," insert "one."  
22, line 11, erase "or," insert "nor."  
line 14, after *State*, insert "and whenever a new warden  
is appointed, all the books, accounts, and papers  
belonging to the prison, shall be delivered to him,  
and he shall be vested with all the powers, and sub-  
ject to all the obligations, with regard to any con-  
tracts, or any debts due to or from the prison, that his  
predecessor would have been, if no change had taken  
place in the office."  
24, lines 4, 5, erase "but not against his body," insert  
"only."  
line 7, after *of*, insert "the."  
33, erase the section, and insert the following :  
"The governor, with advice of the council, shall annually appoint  
a suitable person to officiate as chaplain of the State prison, whose  
duty it shall be to preach to the convicts two sermons, or perform

other religious services equivalent thereto, each sabbath in the year, to visit the sick, to superintend the sabbath school, and daily, during the week, by private conversations with the prisoners, to use his utmost efforts for their moral and religious improvement. He shall also, if opportunity may offer, at other times, instruct them in the rudiments of learning."

Sect. 34, line 1, after *warden*, insert "and chaplain."

line 5, after *learning*, insert "and in."

lines 6, 7, erase "the chaplain, when it shall not interfere with his other duties and."

line 7, after *warden*, insert "and chaplain."

line 8, erase, "the warden," insert "they,"—line 12, erase "warden," insert "chaplain."

line 14, erase "and shall request it."

37, line 2, erase "voluntary," insert "voluntarily."

42, line 6, after *to*, insert "precede the fulfilment of any former sentence, and at the discretion of the court, may be further punished by imprisonment to hard labor, for a limited term, or during life to."

line 7, erase "and," insert "or."

47, line 15, erase "shall," insert "may, at the discretion of the court."

54, erase the section.

55, to be numbered "54."

line 3, erase "one hundred," insert "four hundred and fifty."

56, to be numbered "55,"—line 1, after *of*, insert "the."

line 3, erase "or parts thereof."

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## CHAPTER 178.

Sect. 13, line 5, erase "may," insert "shall."

lines 6, 7, 8, 9, 10, 11, 12, 13, after *person*, in line 6, erase the remainder of the section, and insert "within sixty-days, to the insane hospital, there to be detained till he becomes of sound mind, or be otherwise delivered by due course of law; and the person so committed shall be kept therein at his own expense, if he have sufficient property; otherwise of the person or town, that would have been chargeable for his maintenance, if he had not been committed; and if he have no settlement in the State, at the expense of the State; and he may be delivered up to any friend, or to the overseers of the poor of the town, where he has his settlement, as is provided in sections four and five, of chapter one hundred and seventy-three."

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Sect. 14, line 5, after *as*, insert "are."

18, line 1, after *aforesaid*, insert "shall,"—line 2, erase  
"shall."

19, line 6, erase "required."

23, line 5, erase "two," insert "one,"—line 11, after  
*charges*, insert "for."

27, 28, 29, 30, 31, References, erase "277," insert "297."



