

MAINE STATE LEGISLATURE

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



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

L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

INDEX.

—00000—

N. B. From page 1 to 456, inclusive, in the following index, the references are to Vol. I: and the references to Vol. II. commence with page 457; marked thus [*].

A

ABATEMENT OF TAXES—when and how to be made	#476
judgment on plea of, at Com. Pleas, may be appealed from	265
ACADEMIES, COLLEGES, &c. duties of Instructors therein	*504
ACCESSARIES, to robbery or larceny may be prosecuted for misdemeanor, although principal be not convicted, or prosecuted	68
[See <i>Treason, Murder, Duelling, Rape, Incendiaries, &c.</i>]	
ACCOUNT—action of—proceedings in regulated,	261
by co-administrator or co-executor, if residuary legatee, against the other administrator or executor	212
ACCOUNTS may be filed in offset to actions on simple contract, &c. 7 days before Court, in Clerk's office—and 4 days before trial, by Justice	260
ACKNOWLEDGMENT of debts before Justice of the Peace how to be made	359
[See <i>Recognition.</i>]	
of Deeds, [See <i>Deeds, &c.</i>]	130
ACTIONS, where matter in dispute does not exceed \$20, to be brought before Justices of the Peace, unless title to real estate in question	355, 356
— if above \$20, or respecting real estate, Common Pleas to have jurisdiction	263
[See <i>Justices of the Peace.</i>]	
On promises or contracts to pay debts of others, &c. not in writing, not to be sustained	240
for indemnity, by individuals whose property is taken for delinquency of towns, in regard to taxes	*502, 503
for indemnity, by Sheriff against co. in certain cases, how prosecuted	450
by master of house of correction against parent or kindred, or town, for expenses of person committed	455
by towns having supported pauper, against him or his representatives	*544
to compel towns, to contribute their share of expenses of work-house owned in common by several towns	*548
against executors or admin'rs of sheriff may be sued, in certain cases	405
by Collectors of taxes, in certain cases against delinquents	*485, 486
for betterments given in certain cases	296
to recover money lost at gaming	96
for damages to persons injured by nuisances	107
— fraudulent destruction of vessels and cargoes	87
— explosion of gunpowder illegally kept	113
— neglect, &c. of inspectors of lime	*668
— certain trespasses in gardens, orchards, &c.	125
— by counties, towns, parishes, whose property is injured	125
— for injuries to fruit trees, &c. by individuals	124
against pilots for damages to vessels or cargoes, by their neglect or unskillfulness	*771
may be maintained by Indian agents in their own names for debts due to Indians	*767
against persons obstructing highways by nuisances, may be maintained by persons removing, for double expense of removal	*523
against surveyors of highways in behalf of towns, &c. fined for delinquency, in certain cases	*518

ACTIONS against counties, towns, or persons bound to repair roads, for persons injured by their being bad		#518
against surveyors of highways neglecting to pay over money, remaining in his hands		#517
ACTIONS personal, limitation of,		297
particular cases in which limitation may not apply		ib.
real, limited [<i>See Limitation.</i>]		295
on penal statutes, with exceptions, &c.—limited		300
not to be brought against executor or administrator within one year, unless in cases not affected by insolvency		235
— nor after 4 years, if due notice be given of their appointment		238
— proviso for demands on contracts, covenants, &c. not becoming due within the 4 years		ib.
by heir, to defeat sales of real estate under license from Courts, limited to 5 years, except as to minors, &c.		232
what shall be deemed commencement of, in certain cases		238, 298
failing by accident, not barred by statute of limitations, provided, &c.		299
against Sheriffs for default of deputies, limited		301
[<i>See Limitation.</i>]		
when personal or transitory in what county to be commenced	257, 258,	264
in favour of or against a county, where to be brought		258
between corporation and county, where, &c.		ib.
between plaintiffs and their own county, where, &c.		ib.
by inhabitants of one county, against another do.		ib.
on penal statutes to be brought, &c. in county where offence committed		267
on Sheriffs' or Coroners' bonds to be in their own county		403
by Sheriffs against county for indemnity, where to be brought		450
ACTIONS process in, how served by attachment and summons		254
— by original summons		254, 255
— when on joint contracts, and one or more defendants live out of State		255
when for dower, or for possession of real estate, to be served on tenant, though not defendant		ib.
on towns, corporations, parishes, &c.	255, 256, 269,	*463
not to be served on Lord's day		75
[<i>See service.</i>]		
ACTIONS to be entered at Common Pleas on the first day of term		258
where defendant in, has been duly summoned and neglects to appear—		
to be defaulted		259
circumstantial errors in—may be amended without costs, &c. by leave of Court		ib.
to be continued in certain cases, when defendant is out of State	255, 256,	287
execution not to issue unless plaintiff give bond in certain cases		256
effect of personal notice proved by plaintiff, in such cases		ib.
to be continued, when against executor, or administrator, until,	205, 235,	237
when several are brought which might be joined, plaintiff in, to recover but one bill of costs		260
when for accounts, on simple contract, &c. account may be filed in offset, and when, &c.		ib.
in such cases defendant may recover balance, if any due		ib.
ACTIONS , in defence to which, defendants may give special matter in evidence, under general issue,		ib.
viz. against executors, administrators and guardians		238
— Justices, Sheriffs, Coroners, &c. civil, military, town and parish officers, filing brief statement		261
on penal statutes		267
[<i>See issue general.</i>]		
by married woman, under license of Supreme J. Court in absence of husband, not to abate by his return		252
commenced by Justices of the Peace before themselves, to abate		398
against executors, or administrators not to be sustained, when estate is rendered insolvent, unless for taxes; or administrator, &c. neglect to settle account, or is guilty of waste	205,	206
— if brought in such cases, to be continued on terms		205
— to be barred, if not supported in manner before provided, unless creditor find property not inventoried, or estate should prove solvent		205

ACTIONS pending for or against executor or administrator, if they die may be prosecuted by administrator de bonis non	236
pending or appealed, when parties die, may be prosecuted by executor or administrator, if cause of action survive	236, 262
in such cases may be continued for time to prosecute, &c.	237
judgment in such cases how rendered	ib.
pending, when parties die, and executor or administrator refuse to become party, proceedings in such case	237
plaintiff, in any stage of—failing to prosecute, defendant to have costs	259
party prevailing in—entitled to costs. [See costs.]	ib.
review of, may be granted, in certain cases. [See review.]	247
ACTIONS OF ACCOUNT —proceedings in, regulated	261
when defendant refuses to appear before auditors, what proceedings to be had	ib.
appeal allowed from interlocutory judgment	ib.
ACTIONS OF DEBT to lie for penalties, &c. where no other provision is made	263
for penalty against Sheriff neglecting to give bond, or renew	401
against surveyor of highways, neglecting to exhibit his bills, &c.	*517
on judgments for debt, damages, &c. of Courts in the State	264
— rendered in Courts of other States when properly authenticated	ib.
— judgment how to be made up in such cases	ib.
on judgments after expiration of year	270
on judgments respecting flowing lands	175
on recognisances before Justices in certain cases, where execution cannot be issued	361
or case may be brought in certain cases for further damages, &c.	190
on bonds of Clerks of Judicial Courts regulated	443
— Sheriffs	403
— Coroners	403, 409
— Constables	403, 408
— Registers of Probate	443
— Commissioners of wrecks	88
on Probate bonds to be brought in Supreme J. Court	224
particular endorsement of writs required	ib.
to be continued for notice in certain cases, when writ is not served on principal	ib.
process and judgment in certain cases	224, 225, 226
preliminary proceedings, when instituted for benefit of creditors	225
— when for share of personal estate	ib.
ACTIONS OF TRESPASS for persons injured by cattle in certain cases	*568 *569
where trespass was involuntary, &c. amends may be tendered, or money brought into Court	259
for treble damages by tenant in common against co-tenant, for waste	128
ACTIONS OF REPLEVIN regulated	366
[See Replevin.]	
ACTIONS for partition at common law, allowed to tenants in common, and proceedings thereon	133, 135
of review, when granted, on petition, how tried, &c.	247, 248
— pending, if either party die, what proceedings to be had	262, 263
of dower may be commenced by widow after one month after demand made	149
proceedings in such actions regulated	150
ACTIONS REAL provision for settlement of certain equitable claims arising in	179
— Jury to ascertain value of improvements, and of the land without	ib.
— demandant may abandon premises to tenant at price fixed by Jury	180
judgment to be thereupon rendered, and execution to issue for such sum with interest, in one year	ib.
unless tenant pay one third of the sum, with interest and costs	ib.
if so, execution shall further stay—and issue for one other third in 2 years, unless tenant pay one third more, with interest	ib.
execution to issue for residue in three years, unless tenant pay remaining third, with interest; then execution to stay perpetually	ib.
lien on demanded premises, to satisfy judgment in,	ib.
execution may be extended on demanded premises, or same may be sold as equity	181

ACTIONS REAL , if tenant be afterwards evicted, he may recover back the money paid if he notify the demandant to aid him	181
if demandant does not elect to abandon, writ of seizen to be stayed one year, unless he pay value of buildings	ib.
provisions of this Act not to extend to mortgages	ib.
tenant not to make strip or waste	182
if tenant has in possession more than is demanded, to which demandant has same title, he may request Jury to inquire	ib.
verdict and judgment in such case	ib.
proviso for demandant to amend, in such case, without costs	ib.
if writ is amended, what proceedings to be had	ib.
tenant may give notice at what sum he consents improvements may be valued, and what—land without improvements	182, 183
judgment, after election of demandant, what to be	183
what shall constitute possession and improvement	ib.
who shall not sit as jurors in,	ib.
of demandant against person in possession of real estate—nature of possession by tenant, to bar recovery of demandant	297
real, in right, ancestral, possessory, and on demandant's own seizen limited	295
proviso in favor of femes covert, minors, &c.	296
—tenants held to answer for so much of demanded premises as they do not disclaim	260
—heirs claiming under a common ancestor may join, or sever in	260
ACTS PRIVATE , and resolves—printed copies of, competent evidence of Province and State of Massachusetts sundry, repealed as to Maine	264
saving of actions and causes of actions, under said acts	*775
ADJOURNMENT [<i>See Courts, Justices, Vendue, Sale, Execution, Executor, Administrator, &c.</i>]	*814
ADMINISTRATION of estates to be granted to widow, next of kin, or both or to some creditor or suitable person, if widow refuse	193
may be granted on estates of persons dying without, and leaving property within the State	194
de bonis non, to be granted when former administrator or executor is removed, dead, &c.	195
not to be granted unless there is personal estate or debts of \$20 or upwards	201
with the will annexed, to be granted were executor neglects	ib.
or where executor is a minor	198
or become insane, unsuitable, &c.	199
not to be originally granted after 20 years from death of a person of a feme sole, when joint, extinguished by her marriage	200
bond, form of—to be approved by Judge	194, 196
ADMINISTRATORS to give notice of their appointment	199
to give bond, and return inventory within three months	193, 194
evidence of notice how perpetuated	200
to account for personal estate according to inventory, or as sold by license of Judge of Probate	196
living out of State or removing, &c. neglecting to render accounts, becoming insane, may be removed	200
may agree with heirs, &c. before Judge to submit to reference disputed claims of their own against estate	201
when one or more are removed, remaining administrator, &c. to proceed in settling estate	ib.
to account for income of real estate according to appraisement by committee	202
to represent estate insolvent, in case	203
may agree before Judge to submit to reference disputed—claim of creditor not allowed by commissioners	204
not bound to answer suits when estate is rendered insolvent, unless for taxes	205
suits brought against, before a state rendered insolvent, to be continued neglecting to settle accounts six months after final report of commissioners, liable to suit of creditors	ib.
proceedings and judgment in such suits	206
guilty of waste, proceedings against, by scire facias	ib.
neglecting to raise money to pay debts, &c. guilty of waste	207
of deceased creditors may join with other creditors in compounding with debtors, in certain cases, by consent of Judge	207

ADMINISTRATORS may require bond of indemnity from heirs before payment of share &c. in certain cases	211
may have action of account against co-administrator, in case, &c.	212
not to be guardians to minors interested in same estate	213
to apply to Courts for license to sell real estate to pay debts when personal is deficient	223, 227
may be licensed to sell whole, when partial sale would injure the rest; notice to be given	228
to give bond to Judge to account, &c. after obtaining license	ib.
to give notice of sale, and to be under oath before	224, 228
may adjourn sale, not exceeding 14 days	232
evidence of notice, how perpetuated	233
ADMINISTRATORS recovering real estate on execution or mortgage, to hold it for use of widow and heirs, unless necessary to be sold for payment of debts	234
may receive redemption money and release	234
their power and duty as to estates held in mortgage	148, 149
not bound to answer suits against them, within one year, unless, &c.	235
if suits are so brought, to be continued	ib.
costs on such—may be recovered by administrator in case	ib.
writs and executions not to run against their own estates and bodies unless on suggestion of waste	ib.
proceedings against, on suggestion of waste, judgment how	ib.
may prosecute or defend suits, when either party dies after appeal and before Court, &c. if cause of action survive	236, 237
refusing to become party to such suits after notice, judgment to be entered against them	237
not bound to plead specially, but may give in evidence	238
actions against, after four years, barred, if due notice be given of their appointment	ib.
what shall be equivalent to suit against, in certain cases	ib.
proviso for cases on contracts, covenants, &c. not becoming due, &c. within that time	238, 239
refusing to account for property of intestate, after being cited execution to be awarded against, for amount of personal estate of deceased	225
having personal estate not inventoried, execution against, how awarded	225
proceeds collected on such execution; how distributed	226
may be licensed by Sup. Court, or Com. Pleas to make conveyances of real estate to complete contracts of deceased	232
money received on such contracts, to be assets	233
of Sheriffs may be sued, &c. as if cause of action survived	405
of deceased Constable or Collector to settle his account with Assessors	*493
liability of—on failure so to do	ib.
how to proceed against persons suspected of embezzlement of property of deceased	202, 203
not liable on their own promise, for debt of intestate	240
may prosecute, reviews in certain cases	262
appointed by foreign Courts of Probate, what shall be evidence of	231
of deceased debtor or joint contract, liable as if joint and several	238
de bonis non, when to be appointed	201
may become party to suit commenced by previous exec'r. or adm'r.	236
may have scire facias to complete judgments	ib.
may bring and defend writs of error	ib.
with the will annexed, when to be appointed	198, 199, 200
[See administration c. t. a.]	
ADULTERY punishment of	77
cause of divorce from bond of matrimony. [See divorce.]	344
ADVANCEMENTS made to children, &c. to be deducted in estimating shares of intestate estates to be distributed	211
mode of estimating such	ib.
AFFIDAVITS of executor or administrator, &c. posting notice of their appointment	200
— posting notice of sale of real estate	233
— officer selling real estate for taxes, to be evidence, in case, &c.	502
AFFINITY, degrees within which marriages are void, [See divorce.]	340
AFFIRMATION of decrees in Probate Courts, on appeal to Sup. Court	222
of judgments in cases of partition	135
allowed to persons scrupulous of taking oaths as Jurors	384
— any persons scrupulous, &c. and form of	393, 394
wilful and false, punished as perjury	394

AGE, lawful for conveying lands, making wills, &c.	137
at which marriage may be contracted without consent of parents	341
AGENTS to be appointed by Courts ordering partition, for absent persons interested	136
for Penobscot and Passamaquoddy Indians to be appointed by Gov.	*766
[See <i>Indians</i> .]	
for demanding of executive of any other State fugitives from justice, to be appointed by Governor	*458
for prosecuting and defending suits by towns, how chosen	*463
for repairing highways to be appointed by Courts imposing fines	*519
[See <i>highways</i> .]	
to convey county lands to be appointed by Courts	179
AGREEMENTS for waving pleas at Com. Pleas, and pleading anew on appeal, binding at S. J. Court	265
and contracts, certain descriptions of, void unless in writing	240
AID in criminal cases, may be required by Sheriffs, Constables, &c.	407
in certain cases may be required by officers	354
by Collectors of taxes, whether in or out of their towns	*488
penalty for refusing	*489, 488
ALEWIVES [See <i>fish</i> .]	
ALIEN, not to be employed as schoolmaster	*505
widow of, entitled to dower	150
ALIENAGE, no impediment in heirs or widow, &c. to receiving distributive share of personal estate	211
ALIENATION of grants to pious and charitable uses, how to be made	153
ALIMONY in cases of divorce, how decreed in cases	344, 345, 346
and restorations, &c. may be altered by Court on application of either party	346
[See <i>divorce</i> .]	
ALLOWANCE of necessaries, &c. to widows, out of personal estate, by Judge of Probate, in intestate estates, whether solvent, or not	210
— in estates testate but insolvent	211
— in estates intestate	143
to minors, where no widow, and estate insolvent	211
AMENDMENTS allowed of errors in judicial proceedings in certain cases, without costs [See <i>Courts</i> .]	259
APPEAL allowed from Common Pleas to Supreme Court, proceedings thereon	265
— judgment on plea in abatement, demurrer, &c.	ib.
in audita querela process	328
from sentence of Justice of Peace in criminal cases	353
how to be prosecuted in such cases	ib.
defendant failing to enter, how to be proceeded with	354
agreements before, at lower Court, for waving pleas, amendments, &c.	
binding	265
from judgment of Jus. Peace in civil actions	356
recognisance to prosecute, &c. effect thereof	ib.
in case originating with Jus. Peace, from Com. Pleas to Supreme Court, when title to real estate comes in question	356, 357
in seizure of personal property, tried before Jus. Peace, or Com. Pleas	370
from judgment of Justices for removal of paupers	*541
from judgment of referees, relating to fees of commissioners of wrecks	89
allowed from judgment to abate nuisances	111
— from judgment of Justice on libel against gun powder, seized	113
— of Common Pleas for partition	135
from Courts of Probate to Supreme Court regulated	221, 222
bond to be filed within one month, and reasons of appeal	222
cases in which appeals may be had	193, 198, 209, 223
when and how to be prosecuted in Supreme Court	222
may be granted after loss of right in certain cases, by S. J. Court	ib.
from decrees orders, &c. of Judge relating to trusts	223
power of Sup. Court as to costs in such cases	ib.
APPEALS may be entered after regular term, in certain cases, by license on petition to Sup. Court or Com. Pleas	249, 250
allowed from interlocutory judgments in actions of account, before appointment of auditors	261
APPEARANCE for parties [See <i>Attorney</i> .]	
APPRAISERS, Commissioners, &c. appointed by Judge of Probate, may be sworn by Justice of the Peace	209
and by town Clerk, where there is no Justice	ib.

APPRAISERS, COMMISSIONERS, &c. of estates of persons deceased may be appointed by Justices of the Peace in certain cases, and sworn	193, 194
to be appointed by Judge of Probate to estimate amount of income of real estate in hands of executor or administrator	202
of real estate to satisfy executions, how appointed	281
APPRAISEMENT of personal property seized by proceedings in lien	369
APPRENTICES, minors, at what age, &c. how bound by indenture	*558
children of paupers may be bound out, by Overseers	*533
instruction of, to be provided for by indentures	ib.
treatment of, to be inquired into by Overseers, parents, guardians	*533, 759
may be discharged from master, by Common Pleas, in case, &c. and thereupon bound anew	*760, 534
remedy by Overseers on indentures of, and proceedings thereon	*534
eloping, may be arrested and returned	*535, 761
persons enticing or carrying away, liable to action of master for damages	103, *535
may be discharged, on complaint of master	*535, 760
rescuing cattle, &c. impounded, proceedings against them or master	*572
indentures of, how to be executed and effect thereof	*759
— no longer obligatory, after death of master	ib.
penalty for transporting, or enticing away, or enlisting without consent of parents	103
AQUEDUCTS—provisions enabling proprietors to manage	*612
proprietors meetings how to be called, organized, &c.	ib.
when thus organized may choose officers and have corporate powers	*613, 614
directors of, may assess taxes on shares and collect by sale at auction	
amount assessed on shares	*613
mode of voting according to shares, &c.—assessing fines, &c.	*614
proprietors may hold real estate to amount of \$30,000, which shall be deemed personal—mode of transfer	ib.
— may, with leave of Selectmen dig up streets, &c. to lay pipes—	
not obstructing travellers	*615
— to continue corporate, until debts are paid	ib.
— clerks duty as to recording transfers, &c. of stock	ib.
— private property to be liable in certain cases	*616
— estate of, at dissolution to be deemed real, and held in common	ib.
shares in, how attached and taken on execution and sold	ib.
penalty for wantonly injuring, and how recovered	ib.
pipes connected with, may be laid by towas to draw off their water in case of fire, provided, &c.	*616
ARBITRATIONS established and regulated, [See reference.]	361
ARSON [See Incendiaries and Malicious Mischief.]	
ARMS, fire proof of, regulated [See Fire Arms.]	*695
and equipments exempted from attachment [See Militia.]	*688
ASSAULTS with intent to commit murder, &c. punishment of,	54
with intent to murder, maim, or disfigure, &c.—punishment	55
with intent to rob	66
with intent to commit rape	57
and batteries, punishment of	352
ASSAY MASTERS, to inspect heads and worms in distil-houses, to be chosen by towns annually	117
ASSES, mules, &c. not allowed to go at large [See Town meetings.]	*567
ASSESSMENT, and collection of taxes [See Taxes, &c.]	
on turnpike shares, &c. [See Turnpike, Aqueduct, &c.]	
ASSESSORS to be chosen by towns in March or April	*470
to make lists of voters for State officers, and deliver to Selectmen before 1st of August annually	*464
of plantations to prepare, and have at meetings, lists of voters for State officers, &c.	*465
to revise and correct such list, and when	ib.
to preside at their meetings for choice of State officers—their powers, duties, &c.	466 *467
neglecting duties relating to—penalty for	467
of towns to prepare before the 20th of February, annually, list of voters in town affairs	*468
— how to correct and revise such lists	*468, 469
to assess the polls and estates within their towns, for taxes laid, and commit list to Collector or Constable	*470

ASSESSORS to leave copy of assessment and valuation with town Clerk	*471
refusing to be sworn, &c. after choice—penalty	ib.
— vacancy in such case how to be filled	ib.
— form of complaint against	ib.
Selectmen to act as, in certain cases	*472
pay of, one dollar per diem	*507, 472
when not chosen by towns, to be appointed by Sessions	*472
— duty of such Assessors	*472
chosen or appointed, to obey Treasurer's warrants for assessing taxes, under penalty	*473
when delinquent, others to be appointed by Sessions	*474
to be chosen by plantations, with same powers, duties, liabilities, &c. so far as relates to taxes, as towns	ib.
in plantations recently organized, to call meetings in March or April for choosing officers	*475
towns and plantations to notify inhabitants to bring in lists of polls and estates taxable, and may require oath	*476
persons aggrieved at rates of, may apply for abatement, and if refused, may appeal to sessions	*477
may in certain cases over rate, not exceeding 5 per cent. of whole sum	ib.
rules to be adopted by, in apportionment of taxes	ib.
may add State and county to their other taxes	ib.
warrant to collect State, county, town or plantation taxes, form of	*478, 479
to issue new warrant, when original is lost	*479
when towns neglect to choose, for five months after warrant from Treasurer, what proceedings to be had	ib.
delinquent, when their estates are insufficient to pay State taxes required, Treasurer may levy amount deficient on inhabitants of their towns	*480, 481
may assess improved lands, houses, &c. to tenant or owner, if in State,	*485
may demand of Constable, &c. taken in execution copy of his assessments remaining unsettled	*497
how to proceed in case of refusal by such Constable,	*498
in towns regulating collection of taxes by Treasurer, &c. how to proceed	*501
to furnish school books at expense of plantations in certain cases to be charged to parents	*505
to assign each school district its share of school money	ib.
powers in regard to taxes in school districts	*507
of plantations to determine where to build school house, when district cannot agree	*509
— to determine places to erect guide posts, under penalty	526, 527
to appoint substitute to finish collections, &c. when collector, &c. becomes insane	*491
to refund, &c. if insane collector, &c. has overpaid them	ib.
may demand of such insane collector, &c. or guardian, administrator or executor, list of assessments—and give them to new collector	ib.
to assess upon towns, &c. deficiencies of collectors in payment to State Treasurer, and commit same to some other, to collect	*492
to appoint some person to complete unfinished collections of deceased collectors	*493
to adjust accounts of deceased collectors, when unfinished, with their executors or administrators,	ib.
ASSIGNEES, may be made parties in suits for redemption of mortgages	146
rights of, not to be impaired in setting off executions, by officers	270
of goods, &c. in foreign attachments may be made parties, in cases made of proceeding against, in such cases, when they appear, or are defaulted	290
ASSIGNMENT, validity of, how tried, when questioned in cases of foreign attachment	ib.
ATTACHMENT, of goods and estate on mesne process to hold thirty days after judgment	268
of shares in companies corporate, and dividends growing thereon	ib.
when made of shares, &c. copies to be left of writ, &c. with Clerk, Treasurer or Cashier, &c. of company	269
of rights in equity of redemption, &c. and effect, as to attaching creditor	ib.
— to hold in certain cases until levy completed	277

INDEX.

ix

— if estate be redeemed before sale, to constitute lien on fee	269
of franchises of turnpikes, &c. when made, copy of writ to be left with Clerk or Treasurer, &c. thirty days before Court	ib.
proceedings in such cases, to be in county where creditor or officers of corporation reside	280
not dissolved, by death of either party, unless defendant's estate represented insolvent	284
of shares in aqueduct companies how made	*616
of certain articles, valid, although left in defendant's possession, on security	285
of goods, &c. on mesne process, when replevied in certain cases, to hold and continue	368
certain goods and chattels exempted from	414
arms, equipments, &c. of Militia exempted from	*702, 683
on mesne process to hold in certain cases, when actions are continued nisi and judgment in Supreme Court to be entered as of former term	245
not to be affected by certain proceedings for entering complaints and appeals, after loss of right	249
against witnesses for contempt	265
foreign [See foreign attachment.]	
ATTORNEY who may appear as such [See Attornies.]	
any person may appear as, for person restrained, secreted, &c. on stipulating for payment of costs	326, 321
of party to be notified in taking depositions, and who shall be so considered	390
of non resident owners of lands, how to make known his authority	*487
to be notified by Collector before selling such lands, for taxes	ib.
ATTORNEY GENERAL powers, duties, &c. of,	422
to prosecute delinquent county Treasurers	374
fees taxed for, in certain cases, to be credited to the State	375
to prosecute commissioners of wrecks for delinquency	91
to file information for inquests of office for State to recover lands, substance of such information	184, 186
to prosecute by inquest, for lands accruing to State for want of heirs	187
and county to prosecute Clerks for neglecting to return certificates of fines &c. to State Treasurer	407
to receive no fees from prosecutor, nor to be of counsel in civil case depending on same facts	422
for each county to be appointed and sworn	ib.
duty to be paid by each	425
to exhibit annually to Court of Sessions, account of monies	416
to move Court of Sessions—to examine bonds of Sheriffs annually	401
ATTORNIES and Counsellors at law, admission and practice, regulated qualifications for admission of prescribed	396
to be sworn in open Court—form of oath	ib.
not entitled to fees, unless regularly admitted	397
not more than two on each side to be allowed parties	ib.
any persons of good moral character, may appear as, by special power	ib.
no Judge or Justice to appear as, in a case before tried by him	398
no Sheriff or deputy to appear as such, or draw plea	ib.
Judge and Register of Probate not to act as	193
Sheriffs, &c. not to purchase notes, accounts, &c. for collection or advance money thereon	100
and counsellors—rules respecting admission of, by Supreme Court	243
money paid for admission of, in Supreme Court, to be fund for pay of Reporter	246
lien for costs, &c. on executions offset, protected	270
AUCTION and AUCTIONER [See Vendue.]	
AUDITA QUERELA writ and proceedings thereon, form	326, 327, 311
writ, how to be endorsed, served, &c. liability of endorser	327
proceedings in, regulated	328
Court may liberate plaintiff from prison, on conditions in certain cases	ib.
AUDITORS in actions of accounts, how to proceed when defendant refuses to appear	261
may be appointed in any action when Courts deem it proper	262
their report to be given in evidence to the Jury	ib.
reasonable compensation of, to be allowed by Court	ib.
AVOIDANCE of principal to render bail liable, in what cases and extent	333

B

BAIL in civil actions regulated	332
officer to return bond, when taken, with the writ	ib.
name and addition of, to be inserted in margin of execution against principal; by Clerk or Justice	ib.
to be notified by officer having execution against principal, fifteen days before time of return	ib.
may commit principal, &c. by leaving copy of writ, &c. with gaoler	ib.
duty of gaoler thereupon, under certain provisions	333
may be discharged on bringing principal into Court	ib.
liable if principal avoid	ib.
not held liable by return of avoidance, unless execution has been in hands of officer thirty days	ib.
scire facias against and judgment thereon unless principal be produced &c. and costs paid before judgment	334
principal surrendered by—to be discharged, if not taken in 15 days in actions before Justices of the Peace regulated	ib.
— may bring principal and procure officer to attend before Justice	ib.
— to be discharged, paying costs, principal to be committed	335
— form of mittimus by Justice in such cases	ib.
— principal to be discharged, if not taken in execution in 15 days	ib.
— penalty for officer refusing to attend, &c. in such cases	ib.
— scire facias against limited to one year	336
— remedy of, by action against principal for indemnity	ib.
— and property attached not to be affected by appeals, complaints, &c. entered out of season, &c: by petition	249
allowed to all persons accused, except of capital crimes	23
what extent to be required of persons charged with larceny	71
[See <i>recognizance</i>]	
BAILABLE offences, persons committing, confined in gaol, may be bailed by one or more Justices of the Common Pleas	336
— or two Justices of the quorum	ib.
extent of power to admit to bail, in such cases	ib.
BALLAST , penalty for throwing overboard in harbours	*764
not to be taken off from any island, beach, &c. without consent of owner	ib.
BALLOT , certain town officers to be chosen by	*460
BANKS real estate of, may be taken by execution and sold at auction	275
deed of by officer taking, and mode of notice of sale	ib.
— mortgage to, may be taken and sold in same manner	276
debt secured by such mortgage to pass with officer's deed	ib.
Cashier, &c. to give purchaser copy of note, bond, &c. and amount due thereon	ib.
after notice of seizure on execution, no transfer by, to be valid, except	276, 277
to have their weights sealed in June annually	*579
bills of five dollars and under to be printed from stereotype plates	*620
original impression of such, to be lodged in Secretary's office	ib.
bills of five dollars to have impressions of check plate on back	ib.
plates used by—to be kept in their vaults, and taken out only in presence of President, director or Cashier—and returned every night	ib.
penalty for having in possession stereotype plates of, contrary to law	*621
— for refusing to pay their bills on demand	ib.
bills to be paid where issued, and not to be made payable elsewhere	*622
bills made payable elsewhere, to be paid at Bank whence issued	ib.
proviso as to drafts, checks, &c. for \$100 or more	ib.
not to issue bills for fractions of a dollar	ib.
may issue bills of 1, 2, and 3 dollars to amount of 1-4 capital	ib.
tax on, to be paid semi-annually, provided,	*623
mode of enforcing payment	ib.
to furnish State Treasurer, annually, with abstract of stock paid in to make semi-annual returns—and form of	ib., *624
loans of to Massachusetts, provisions for, to apply now to Maine	ib.
stockholders liable in certain cases, in private capacity, to amount of their stock	*625
to make returns to Secretary of State in January or June under oath, and how, &c. under penalty	ib.
to loan to State, when Treasurer shall notify President and Cashier amount wanted, in writing	*626.
penalty for refusal, and how prosecuted for by Treasurer	ib.
bills out of State under 5 dollars, except, &c. not to be passed, &c. in State	

INDEX.

xi

BANKING ASSOCIATIONS, unincorporated, provisions for restraining penalty for becoming members of, how recovered	*627
notes, &c. payable to—void	ib.
BANNS OF MARRIAGE, when forbidden, what proceedings to be had	342
BARRATRY of master of vessel or mariners, owners how far liable in certain cases	92
BASTARDS, punishment for concealing death of	56
penalty for concealing pregnancy and being secretly delivered of	ib.
BASTARD CHILDREN, provision for their maintenance, in certain cases	347
mother's accusation, of father—to be taken before Justice of Peace	ib.
father to give bond to answer complaint at Common Pleas	348
mother, unable to attend, or not delivered, bond to be continued, or renewed	ib.
father—how proved and adjudged, by evidence of mother	ib.
mother to be competent witness in trial, provided	348, 349
mother not allowed to make settlement with father after complaint made, unless by consent of Overseers of poor	ib.
examination of mother, taken in one county, may authorize Justice to issue warrant and have same proceedings as to bond, &c. in another	349
to follow and have settlement of mother	530
BEASTS impounded, proceedings thereupon, notice to be given	*569
when owner of is unknown, what proceedings to be taken up going at large—penalty for rescuing before impounded	*571, 572
may, by vote of town be restrained from going at large, &c. in particular places	*573
Stray—persons finding, to give notice to town Clerk	ib.
appraisers of, to be appointed by Justice of Peace or town Clerk	*574
if no owner appear within one year, what proceedings to be had	ib.
if horses, &c.—may be sold after two months—proceedings	ib.
owner of, entitled to money, if applying within one year, otherwise	ib.
horses not to be taken up as—between April 15, and Nov. 1	*575
[See Cattle, &c.]	
BEEF and PORK inspection of regulated	*628
Inspector General to be appointed by Governor,	ib.
— to give bond, appoint deputies, under oath	ib.
quality and size of barrels and half barrels to contain for exportation	*629
quality for exportation, different kinds and numbers	*629, 630, 631
how to be salted and preserved	*630, 631
Inspector's duty to inspect when requested, without delay	*631
what laborers to employ in packing, &c. after inspection	*632
manner of branding barrels and half barrels	ib.
Inspectors not to brand packages nor casks of provisions unless inspected and weighed by them, under penalty	ib.
Inspectors guilty of fraud in their trust, penalty for	ib.
deputies not to brand cask out of their towns	*633
refusing to brand, &c. for export, penalty	ib.
for exportation—penalty for shifting or mixing, &c. after branded	ib.
not to be exported unless in barrels and half barrels, packed, inspected,	ib.
nor unless master of vessel furnish Collector of the Customs with certificate	ib.
nature of certificate, form of oath to	ib.
rounds of, may be exported in kegs, &c.—how branded	*634
or pork not inspected, penalty for exporting	ib.
— may be seized on board vessel, by warrant from Justice Peace	ib.
— laden for exportation, may be seized in certain cases by inspectors	*635
and condemned as forfeited in case	ib.
provisions for inspection, to extend to any transported coastwise from this or any other of the United States	ib.
deputies to make annual returns to Inspector General	ib.
Inspector General to make annual returns to Secretary of State	ib.
how to be weighed in slaughter houses	*636
penalty for weighing otherwise than required by law	ib.
weighers of—for sale in market, to be appointed by Selectmen	ib.
— to be sworn, give certificates—form of, &c.	*636, 637
cattle for market or barrelling—contrary to law—penalty for buying	*637
Inspectors of, in office, to continue	ib.
BEGGARS [See Vagabonds, &c.]	
BESTIALITY and SODOMY how punished	61
BETTERMENTS [See Actions real—and possessory titles.]	296, 179
BIGAMY punishment of	77, 78

BILLS OF EXCHANGE, inland, when protested, &c. damages regulated	395, 396
notice to parties on—how given by Notaries	423
BILLS IN EQUITY in Supreme Court and Common Pleas	93, 145, 179, 189, 188, 190
[See Mortgage, Inquest, &c.]	
BILLS for discovery &c. may be filed by owners, freighters, &c. of vessels in Supreme Court, in certain cases—how conducted, &c.	93
BILLS OF BANKS how to be impressed, payment enforced [See Banks]	
out of State less than \$5—not to be passed, &c. except	*627
BILLIARDS, table for, not to be kept by innholders	*587
game of, not to be allowed by innholders in their houses	ib.
penalty for playing at, in public houses	98
BIRTHS and DEATHS to be recorded by town Clerk, at expense of town	*596
parents, householders, master of vessel, alms house, &c. to give notice of, to town Clerk	ib.
BLASPHEMY and profanity, punishment of	71, 72
BOARDS, inspection of [See lumber.]	*674
BOATS and LIGHTERS for transporting stones, gravel, &c. how to be marked	*763
penalty if unmarked, or falsely marked	ib.
inspector of, to be appointed annually by Selectmen	ib.
— to examine and mark anew, when necessary	*764
— fees to be regulated by Selectmen	ib.
having shell fish on board, without permit, liable to seizure	*775
BODIES POLITIC [See corporations, towns, &c.]	
BOND required of trustees, when timber, &c. is sold for benefit of heirs	127
— commissioners of wrecks, and remedy thereon	88
administration form of,	194
to be given by executors to return inventory or pay debts	198
— by guardians to minors, idiots, spendthrifts, &c.	213, 216
— by trustees of estates of minors and others appointed by will	217
— by trustees substituted in place of others	220
probate to be examined and approved by Judge before being filed	196
— new may be required by Judge when sureties are sufficient	220
— sureties on, may in certain cases apply to Judge to order new	221
— principal in such bond refusing to comply, to be removed	ib.
of appeal filed in Prob. Court, with reasons, to stay further proceedings	223
probate, suits on, to be brought in Supreme Court	224
proceedings thereon to judgment and execution	224, 225, 226
administration, manner and form of judgment	226
to be given by executors administrators and guardians licensed to sell real estate for payment of debts, legacies, &c.	228
— by heirs, to prevent sale, on petition of exec'r. adm'r. &c	ib.
— by friends or guardians of minors, when licensed to sell, &c.	
— in certain cases	230
— by executor, administrator, &c. of persons dying out and leaving estate within the State, in county where estate lies	231
— by creditors taking execution against defendant out of State, in certain cases	256
— in cases of replevying a person	330
— replevying cattle and goods claimed by third person	313, 314
bail, in civil actions, to be returned with the writ [See bail.]	332
to be given by friends of insane prisoners, discharged at their request	253
required of person accused as father of bastard child, may be continued	343
— Clerks of the Judicial Courts	399
— Sheriffs	401
— sufficiency of, to be examined annually by Court of Sessions, on motion of Attorney for State	ib.
— Coroners, to be approved by Court of Sessions	402
of Sheriff, or Coroner, may be sued by person aggrieved, and such person shall be entitled to a copy, &c.	403
— suit on, to be in county where Sheriff, &c. dwell	ib.
to be given by gaoler when appointed by Governor during vacancy of Sheriff's office	404
of Sheriff to extend to breaches by gaoler or deputy Sheriff after death or resignation of Sheriff	405
— copy, certified by Treasurer, legal proof, unless signature denied	ib.
to be given by Constables and remedy thereon	481, 408
— Coroners	402, 409
— Register of deeds	417

BOND of Clerks of Courts and Registers of Probate, what shall be adjudged a forfeiture	443
to be put in suit by direction of Judges, when, &c.	ib.
of Constable or Collector to town Treasurer	*481
of deputies of town Treasurer, when appointed by Collector of taxes	*500
of defeasance how to operate in certain cases, if not recorded	131
when forfeited, judgment thereon how rendered	190
after judgment on, scire facias or action of debt, or case to be sued for further damages	ib.
required of inspectors of beef and pork and their deputies	*628
butter and lard, &c.	*638
pickled and smoked fish	*642
pot and pearl ashes, and deputies	*649
hops, and deputies	*653
stone lime, and proceedings on, when sued	*665
nails, and deputies	*670
shooks	*680
Indian agents	*767
keepers of ferries	*763, 769
pilots	*771
State Treasurer, condition and penalty of	*745
given to Treasurer of State, county, town, &c. may be prosecuted in name of successor	262
BON-FIRES not to be kindled near houses, under penalty	*555
BOOTS, &c. manufacturer and stamping regulated	*684
stamping to be considered as warranty, and penalty for counterfeiting	ib.
BOTTOMRY and respondentia [See insurance.]	
BOUNDARIES of towns to be run and renewed by Selectmen once in 5 years	*464
of highways, streets, &c. how settled in certain cases	*523, 524
BOXES, to contain fish, for exportations [See fish.]	
BRADS [See nails.]	
BRANDING [See beef, &c. butter, fish, pot ashes, tobacco, &c.]	
BREACH of prisons or aiding, furnishing tools, punishment of	449
[See gaol, prison, &c.]	
BREAKING and entering buildings [See burglary and larceny.]	64, 65
BRIBERY and corruption, penalty for, in giving or receiving	101
either party offending in such cases, may prosecute the other, without being liable to penalty	102
BRIDGES franchise of, liable to be attached, taken on execution, &c.	269, 273
[See companies, attachment, &c. also highways.]	
BROOKS, &c. [See fences.]	
BUILDINGS, fences, &c. fronting on public grounds, where bounds are uncertain, to be considered the true bounds, if of 40 years standing	*523
in other cases sixty years necessary	*524
when demolished to stop fires, owner to be indemnified	*584
BURGLARY and other breaking and entering buildings, how punished	61
when offender is armed with dangerous weapon, or makes an assault, or is accessory before the fact, punishment of	ib.
when the offender is not armed and commits no assault	62
accessaries to, before and after the fact	ib.
entering dwelling or other houses with intent to commit felonies in night time without breaking, or by day with breaking house, punishment of	62
accessaries before the fact	ib.
BURNING [See incendiaries and malicious mischief.]	58
BUTCHER [See nuisance.]	
BUTTER and HOGS LARD, inspection of, regulated	*637
inspector to be appointed by Governor,	ib.
to give bond, appoint deputies, under bond	*638
not to be shipped before inspection	ib.
mode of inspection and branding	ib.
for exportation, in what casks to be packed	*639
casks how to be prepared with brine, weighed, &c.	ib.
certificate of inspection to be produced to Collector and sworn to, before clearance, by master of vessel	ib.
penalties for exporting without inspection	*640
not inspected, liable to seizure, in certain cases, on board vessel	ib.
penalty for inspector delaying, neglecting, &c.	ib.
counterfeiting inspector's brand	ib.
shifting contents, after inspection	*641
returns to be made annually to Secretary of State of amount inspected	ib.

BYE-LAWS of towns how to be made and approved	*463
breaches of, to be prosecuted before Justices of the Peace	353
C	
CALENDAR of prisoners to be kept by Sheriff, form and manner	445
abstract or list of prisoners to be furnished at opening of Sup. Court, and Common Pleas, with calender	446
CALF SKINS, not to be exported if unmanufactured	*684
CAPITAL TRIALS regulated, when accused is mute	266
peremptory challenges to jurors in, limited to 20	ib.
CARGOES of vessels, wilful destruction—to defraud underwriters, how punished	37
[See vessels.]	
CASKS, size and quality of. [See inspection—beef, butter, nails, &c.]	
CATTLE, horses, sheep, &c. cruelty to, how punished	59, 60
impounded, may be replevied by owner, and how—[See replevin.]	366
when owner is unknown what proceedings to be had	*571
horses, horse kind and neat, not to be impounded, if owner is unknown	*567
mode of impounding and securing, notice, proceedings thereon	*568, 569
if breaking where fence was legal, or if clandestinely turned in, may be impounded although some part of fence be insufficient	*569
neat, may go at large in any season, unless restricted by vote of town	*567, 573
neat, may by vote of town be restricted or restrained	ib.
penalty for rescuing when taken up before impounded	*571
for market or barrelling, &c. contrary to law, penalty for buying	*637
CAUSES CIVIL, speedy decision of, provided for	361
[See reference.]	
CERTIFICATE of Secretary or Treasurer of U. States or of any State may be admitted in trials for forgery, in certain cases	82
of Judge of Probate required before granting license to sell real estate of persons deceased, under guardianship, by common law Courts	229, 230
of Overseers of poor required before granting license, by Courts, to sell real estate of spendthrifts, non compos, &c. in whole or part	ib.
to be given by Clerks, Cashiers, &c. of incorporated companies to attaching officers	273
— to purchasers under sales on execution	272
and copy of note and amount due on mortgages &c. to company	276
of intentions of marriage by town Clerk for Justice or Minister	341
of fines, costs, &c. to be returned within 50 days from rising of Courts by the Clerk to office of Treasurer and Secretary of State	407
of qualifications of school master and mistress required before employment	*506
of inspectors of beef, pork, &c. to be furnished Collectors of customs before exportation	*638
of inspection required before exportation [See beef, butter, fish, potatoes, and pearl ashes, hops, malt, tobacco, onions, flaxseed, lumber, nails, fire arms, &c.]	
CERTIORARI from Sup. Court to inferior tribunals to correct their proceedings	242
in forcible entry and detainer to remove proceedings to Sup. J. Court	365
CHALLENGE to duel—punishment for giving or accepting	55
acting as second, aiding, abetting, &c. punishment of	ib.
of jurors in capital cases, peremptorily, limited to 20	266
CHANCERY POWERS, granted to Supreme J. Court, as to trusts	189
process, &c. necessary to carry such powers into effect	ib.
of Supreme and Common Pleas Courts as to forfeitures of bonds, to enter judgment in equity [See bond, probate, &c.]	190
CHARCOAL measuring of regulated	*683
baskets for measuring to be sealed	ib.
penalties for violation of provisions respecting	ib.
CHARTERER of vessel, in certain cases to be considered owner	93
CHEATING by false pretences, punishment of	86
CHEATS and gross frauds at common law, punishable in Supreme Court	ib.
CHILDREN posthumous how to inherit	141
not named in will of father, to inherit as if intestate	ib.
advances made to them to be considered, in dividing estate	211
of lunatics non compos, spendthrifts, &c. to have guardians	215
[See wills, estates, probate, &c.]	
CHIMNEYS, stove pipes, &c. in certain towns, penalty for not keeping in repair	114
CHURCH WARDENS, to be bodies corporate, take lands for pious and charitable uses	152

CIVIL LAW—rules of, adopted for computing degrees to regulate descents	142
CITATION to issue from Probate Court to compel disclosure by persons entrusted with estate of persons deceased	202
to administrator, to account for property of intestate	225
CITIZENS, personal liberty of, protected	102
not to be transported from place to place, without their consent	ib.
CIVIL PROCESS not to be served on Lord's day [See service.]	75
CLAIMS, against insolvent estates, time and manner of proving	203, 204, 205
— may be determined at law, when rejected by commissioners	201
— or by referees in case	ib.
— rejected by commissioners, may be prosecuted at common law, on petition to Sup. J. Court, in certain cases, after loss of right against estates by executor or administrator may be submitted to reference, in certain cases, by rule before Judge of Probate	250
CLAPBOARDS, inspection of [See lumber.] dimensions regulated	201
CLERK of the Judicial Courts to be appointed in each county, by Governor to keep account of their fees, and account with county Treasurer under oath, annually, for half surplus above \$1000	*676
to give bond to the State; condition thereof	398
what shall be adjudged a forfeiture, and effect thereof	399
to pay over to county Treasurer in thirty days after rising of Courts, money received for State or county	400
may be appointed pro tem. by Courts in certain cases	406
to return to State Treasurer within fifty days after Courts' rising, certificates of fines, bills of costs, &c.	407
to return like certificates to Secretary's office	422
when receiving costs in civil actions in favor of State, to pay it over to county Treasurer	332
duty as to executions against principal in suits where bail bond is taken and returned, to insert name, &c. of bail	265
to grant subpoenas for witnesses in civil cases	379
to issue venires for Jurors according to districts	382
how to prepare lists of jurors for impannelling	424
to keep and certify notarial records, after decease of Notary—make copies	444
to keep and certify copies of Justices records, under confession act	425
duty to be paid by, to county treasurer, on appointment	443
estate of, liable to make up deficiency in records	416
CLERK of Sessions to transmit copy of county estimates for taxes, &c. and county Treasurer's account therewith to Secretary of State, annually	418, 419
CLERK of Supreme J. Court to take charge and certify copies of records of deeds, in certain cases of vacancy of Register	
CLERK of towns [See towns.]	
parishes [See parish.]	
market [See market.]	
Quaker meetings to make return of marriages to town Clerk	343
proprietors, &c. [See proprietors.]	
CLERKS in State Treasurers' office, guilty of fraud, &c. how punished	*747
COHABITATION, &c. after divorce a vinculo, punishment of	347
COLLECTORS OF TAXES, may be chosen by towns instead of Constables, and their compensation agreed upon	*481
to have warrant from Selectmen or Assessors	ib.
dying before completing, Assessors to appoint one to finish collection	ib.
to give bond, be sworn, form of oath	*481, 482
may distrain and sell at auction goods of delinquents in taxes	*483
to give notice before sale, and restore overplus to owner	ib.
may arrest body for taxes if not paid in 12 days after demand, and in certain cases before expiration of 12 days	ib.
may demand whole amount of tax in certain cases, although payable by instalments	*484
superceded, may perfect collections of taxes in their hands	ib.
may collect taxes of persons removing, whenever found	ib.
may sue for taxes after removal, death, or if female marry	*485
how to proceed in collecting taxes on unimproved lands of non residents, or improved lands of proprietors out of State	ib.
how to proceed in collecting taxes on real estate of persons living in the State, but out of the town, where assessed	*486
to notify attorney, if any, of non residents, before advertising for sale	*487
may require aid, in or out of their towns, when necessary	*488
penalty for refusing aid in such cases	*488, 489

COLLECTORS OF TAXES if taken in execution, to deliver Assessors copy of all assessments unsettled in their hands	*497
proceedings in case of their refusal to deliver,	ib
liable to pay taxes, of delinquent committed by them, if not committed within one year, in case of discharge under poor debtor's oath	*500
to exhibit to Selectmen, every two months account of their collections, forfeiture for neglect and how recovered	*480
when about to remove, before time of payment, mode of settlement	
with, by towns	1489
another to be chosen to finish collection	*490
becoming non compos, incapable, &c. Assessors may appoint substitute	*491
having overpaid Assessors, to be refunded	ib.
their lists to be delivered Assessors, by guardians	ib.
appointed to finish, &c. entitled to such lists,	ib.
when delinquent, State Treas'r. may issue warrant of distress against	*491, 492
deficiency of, to be made up by towns, &c. in case	*492
liable to towns for default	*493
in case of death their accounts unfinished to be adjusted with Assessors, by their executor or administrator	ib.
when deficient, negligent, &c. warrants may be issued against by Treasurer of county, town, or parish	ib.
warrants or executions against—mode of levying upon real estate of	*496
when committed for delinquency—to have liberty of gaol limits	ib.
[See Constables.]	
COLLEGES duties of instructors in certain cases	*504
discipline of further regulated	*742
undergraduates of, not to be credited by retailers, &c. unless	*742, 749
COMMENCEMENT OF ACTION, what shall be so deemed, against executor or administrator	238
what ——— to avoid limitation	293
COMMISSIONER OF TREASURY, to be appointed by Governor, &c. when State Treasurer's office is vacant	*746
COMMISSIONERS OF INSOLVENCY, to be appointed by Judge of Probate	203
to make known times and place of their meetings, for claims	ib.
may examine creditors under oath, as to their claims	205
form of oath to be administered in such cases and how	205, 210
violation thereof to be punished as perjury	206
compensation of by Judge of Probate	204
[See Probate—Estates Insolvent, &c.]	
—— of wrecks to be appointed in counties, by Governor, &c. and to give bond	88
their powers, duties, &c. in taking charge of shipwrecked goods	88, 89
to publish statement of facts respecting wrecks, forthwith	90
may sell in part for payment of duties, and in certain cases the whole at auction	91
to account with State Treasurer, if no owner appear within one year	ib.
to be prosecuted by Attorney General, if delinquent	ib.
—— to superintend felling of trees, &c. when authorized by Supreme Court, for benefit of reversioner, &c.—powers and duties of	127
[See Timber, &c.]	
COMMISSIONS OF JUSTICES expiring, provision for such cases	359
COMMITTEES to lay out highways, appointed by Court of Sessions, powers, duties	*509, 510
may be agreed upon, in certain cases to estimate damage in laying out roads [See highways.]	*510
viewing to be appointed by Legislature before granting turnpike corporations [See turnpike.]	*599
to be appointed by Judge of Probate to appraise income of real estate in certain cases [See probate.]	202
—— by Courts to make partition of real estate	207, 134
[See partition.]	
COMMONABLE CATTLE [See cattle.]	
COMMON LANDS [See proprietors:—lands wharves, &c. partition, &c.]	
COMMON and GENERAL FIELDS regulated [See field, fences, &c.]	159
COMMON NUISANCE [See nuisance.]	105
COMMON VICTUALLER [See license, &c.]	
COMMON SEWERS [See drains.]	
COMPANIES, CORPORATIONS, &c. shares in, liable to attachment and execution	268
mode of serving process and making attachment	269

COMPANIES, &c. mode of, taking shares in execution, sale, &c.	*271
Clerk of, to give officer requesting, a certificate of number of shares owned by debtor	273
when shares are sold on execution, certificates to be given purchaser	272
damages assessed against, by committee or jury, for certain injuries, may be collected by warrant of distress	275
[See <i>insurance; banks, &c.</i>]	
COMPENSATION allowed to Clerks of Judicial Courts	399
to trustees summoned out of their country, to be allowed by Courts	287
of commissioner of wrecks, how adjusted	89, 91
of Assessors of taxes, Collector, &c.	*472, 507
of commissioner of insolvency	204
of master of work house	*548
may be allowed by Courts to persons procuring conviction of thieves	69
of Collectors of taxes may be agreed upon by towns in certain cases	*481
[See <i>fees.</i>]	
COMPLAINTS for affirmation of probate decrees	222
of judgment of Com. Pleas in audita querela	328
of Justice's judgments regulated	356
of Com. Pleas judgment may be entered by leave	
of Sup. J. Court, after regular term, on petition, &c. if presented within one year	249
for flowing lands, by mill dams [See <i>mills.</i>]	173
against Assessors for not taking oath, form of	*471
COMPLAINANT in audita querela, when in gaol on execution, may be enlarged on condition	328
CONCEALING PREGNANCY, and being delivered of bastard secretly, punishment of	56
treason, punishment of [See <i>treason.</i>]	51
CONCERTS, dancing, gaming, &c. on Saturday and Sunday evenings prohibited	75
CONDITIONAL PARDONS may be granted by Governor, &c. in certain cases	123
sentences to house of correction, unless fine and costs paid	453
CONFESSION Act, records of Justices under, how kept, certified, &c.	444
of debts, before Justices of the Peace, regulated	359
[See <i>evidence, Clerk of Courts, &c.</i>]	
CONSANGUINITY, degrees of, within which marriage is prohibited	340
CONSTABLES to be chosen by towns at annual meeting in March or April	*459
may serve writs and executions in personal actions to amount of \$100, provided they give bond to town Treasurer, in \$200	408
acting before giving such bond—penalty for	ib.
bond—remedy thereon same as for breaches of Sheriffs'	ib.
to hold surplus arising from sales at auction on executions, in certain cases, subject to attachment, of other officers	280
serving warrants or writs, may carry prisoners, &c. to Justice or to county gaol, though out of their town	408
may require aid in criminal cases	407
to execute warrants from Coroners to summon jury [See <i>officers.</i>]	410
duty as to serving reaires for Jurors, and returning	380
to notify town meeting, Selectmen, and Jurors drawn	381, 386
to notify persons chosen to town offices, to take the oath	*460
duty in warning, notifying, &c. for town watch	*552, 554
to collect taxes, when Collectors refuse	*491
to have their warrant for collecting taxes from Selectmen or Assessors	ib.
dying before completing collection, Assessors to appoint others to finish	ib.
to give bond to town Treasurer, be sworn, form of oath	*481, 482
may distrain goods, &c. of delinquents in payment of taxes, and sell at auction, after notice, overplus to be restored	*483
may arrest body if taxes not paid in twelve days after notice	ib.
in certain cases, before expiration of twelve days	ib.
may demand whole of tax, in certain cases, though due by instalments	*404
may collect taxes of persons removing wherever found	ib.
may sue for taxes in case of debtor removing, or female marrying	*485
how to proceed in collecting taxes on improved real estate of persons living in the State, but out of the town where assessed	*486
how to proceed in collecting taxes on unimproved lands of non-residents, or improved lands of proprietors out of State	*485
to notify attorney of non-residents, before sale, where such may have been appointed to pay taxes	*487
may require aid, when necessary, within or out of their towns	*488
penalty for refusing aid, when so required by them	*480, 489

CONSTABLES to exhibit to Selectmen, &c, once in two months, account of their collections	*489
when about to remove before time of payment, mode of settlement with by towns	ib.
in such case another to be chosen to finish collection	*490
penalty for when removing, or intending, and refusing to deliver up bills, &c. and money in hands	ib.
becoming non compos, incapable, Assessors may appoint a substitute	*491
and having overpaid Assessors, to be refunded	ib.
their lists of assessments to be delivered up by guardians	ib.
when delinquent, State Treasurer may issue warrant of distress against	*491, 492
deficiency of, to be made up by towns in case	*492
deficient, liable to towns injured	*493
when deceased before settlement with Assessors, to be adjusted by administrators or executors	ib.
warrants against when deficient may be issued by Treas'rs. of counties, towns and parishes, form of warrant	ib.
executions or warrants against, how levied on real estate of	*496
when committed for default, may have liberty of yard	ib.
when taken in execution, to deliver Assessors copy of unsettled taxes in their hands, with evidence	*497
substitute to be chosen to finish, with powers	ib.
refusing to deliver assessments, evidence, &c. proceedings against towns or plantations neglecting to choose, sheriff empowered to collect	*498
CONTAGIOUS SICKNESS, provisions against spread of	*556
Selectmen to make provision for removal of persons arriving from places infected, to safe places	ib.
persons arriving from places where prevailing, to give notice and to depart, if able, or be removed by warrant from Justice of Peace	*556, 557
such persons prohibited from returning, under penalty	*557
not to be entertained or received by inhabitants	ib.
ferries leading from places where prevalent, may be guarded	ib.
penalty for persons coming from infected places, into this State without license	ib.
persons infected with, may be removed by warrant from two Justices and lodgings, necessities, &c. provided by impressment	*558
baggage of such persons, how to be proceeded with	*558, 559
masters of vessels arriving from places where prevalent, to answer questions on oath from Selectmen	ib.
Courts may adjourn by proclamation from places where prevalent	*560
towns may choose health committee to prevent spread of	ib.
vessels having on board not to approach town, without leave, but to anchor below, and wait orders from Selectmen	*561
quarantine may be established to prevent introduction of, and rules and regulations for due observance	*562
[See small pox and quarantine.]	
CONTEMPT, in Supreme J. Court may be punished at their reasonable discretion	243
in Probate Courts may be punished by Judge, as in Com. Pleas	192
CONTINUANCE OF ACTION, to be granted where one or more defendant on joint contract live out of State, at time of service, unless, &c.	255, 256
in suits against counties by Sheriff in certain cases	450
not to be granted on amendment of circumstantial errors	259
in cases of foreign attachment, when principal is out of State	297
on suits brought against executors, or administrators within a year, regulated on probate bonds in certain cases	235
may be granted to executors and administrators in certain cases	205, 235, 237
CONTRACTS, COVENANTS, &c. demands on, against executors and administrators when falling due after 4 years from their appointment, barred by limitation, unless, &c.	238, 239
mode of proceeding by creditors in such cases	239
such, may be enforced against heirs or devisees after the 4 years, limitation, if claimed within one year from time when due	239
relating to sale of land, payment of debt of another, void unless reduced to writing, signed, &c.	240
CONTRACTS of mechanics and others, to operate as lien on buildings, in certain cases	*755
CONTRACTS to charge executor or administrator out of his own estate void, unless, &c.	240
for sale of goods of \$30 value or more, void unless reduced to writing, or partly executed	241
[See frauds.]	

CONTRACTS what shall be deemed usurious	99
maritime, relating to bottomry, &c. not to be deemed usurious	100
of Indians respecting lands, &c. not valid	*767
CONVEYANCES to and from counties how to be made	178, 179
of spendthrifts, after application to Judge for guardian, to be void in certain cases, if notice be filed in office of Register of Deeds	216
may be authorized by S. J. Court and Com. Pleas to be made by executor or administrator to complete contracts and covenants of deceased	232
by heirs or devisees not to prevent division of estate, under authority of Judge of Probate [See deeds.]	208
CONVICTS, sentence of, to solitary imprisonment, hard labour, &c. to be executed in county gaol	118, 123
how treated in solitary confinement and how punished, if refractory	118, 119, 121
sentence of, to death, may be commuted and how	123
may be furnished with bible, attendance of ministers	121
support to be paid for by State	120
gaoler to furnish tools for	119
— to report names to Courts of Sessions	ib.
— to keep account of proceeds of their labour	ib.
— and report the sums to Court of Sessions	120
when proceeds of labour exceed cost of materials, balance to be paid to convict or his family	ib.
funds for materials may be advanced by order of Sessions	ib.
Sheriff to oversee execution of sentences against	119
rules of gaol respecting, to be submitted to Court of Sessions	ib.
may in certain cases be disposed of in service by owner of stolen goods sentenced to labour, to pay out of earnings, for value of goods stolen and not restored	70
imprisoned more than three months for costs may be disposed of in service, or liberated on condition	376
— when for fine and costs, may be liberated by order of Courts on giving note to county Treasurer	377
in such cases to give under oath a schedule of property	ib.
punishment for giving false schedule	378
may be sentenced to the house of correction, in certain cases for capital felonies, not to be executed but on warrant	453
COPARCENIES tenancy in, regulated [See joint tenants, partition, &c.]	268
CORDWOOD, TREES and TIMBER, waste and destruction of, prevented [See timber.]	126
for fuel, regulations respecting sale and measurement of [See fire wood.]	*681
GORONERS power and duty in serving legal process	409
taking inquests of violent deaths or casual	ib.
to give bond to State Treasurer, to be approved by Sessions	402, 409
acts of, void unless bond so given, &c. within sixty days	408
remedy on bond, for persons aggrieved and how	403, 409
subject to removal in like manner as Sheriffs [See 405.]	409
suits against, to be in their own county—writs how endorsed	403
how to proceed in taking inquests—form of warrant to Constables	409, 410
form of oath and charge to Jury, by,	410
to summon witnesses, swear them and take evidence in writing	411
may recognise such witnesses, in case	ib.
to take verdict of such jury—form thereof in divers cases	412
to notify Justice of the Peace, when felonies appear on inquest to have been committed	413
to bury bodies, after inquest, in certain cases, and expenses how paid	ib.
may serve writs, &c. in cases where towns are parties	ib.
to serve Treasurers' warrants against Sheriffs, &c. deficient	*495
to hold surplus arising from sales at auction on executions, in certain cases, subject to attachment of other officers	280
may return talismen on Jury for trials, in certain cases	382
proceedings of, in certain cases, under State of Mass. made valid	414
duty to be paid by, to county or State Treasurer	425
fees of	429
CORPORATIONS, &c. damages assessed against, by committee or Jury may be collected by warrant of distress	275
members of certain, may be witnesses where corporation is party, in case	395

CORPORATIONS aggrieved by laying out highway, may apply to Sessions for Jury or committee	*512
manufacturing, mode of satisfying executions against	284
[See <i>manufacturing, turnpike, insurance, &c.</i>]	
CORPSES or dead bodies, not to be arrested	94
penalty for digging up, or removing	93
CORRECTION, houses of, to be established in each county	451
[See <i>houses of correction.</i>]	
COSTS allowed in all actions to party prevailing by default, non suit or otherwise	259
to defendant in real actions or disclaimer of whole in case	260
for trustees in foreign attachment when and how	287, 289
against trustees not appearing first term	288
for principal and trustees when plaintiff does not prevail against principal	ib.
liability of endorser of writ to pay in certain cases [See <i>endorser.</i>]	257
to defendant prevailing on tender of amends, &c. in trespass, q. c.	260
in cases of seizure of personal property on decree of forfeiture or restoration, and how	370
on petition for partition, regulated	135, 137
on process for flowing lands by erecting dams, regulated	175
on inquests of office, for State	185, 187
on abatement of nuisances, before two Justices	112
on appeals from decrees of Probate Court to Supreme	223
to respondents on petitions in certain cases, in Sup. Court or Com. Pleas, in case prayer thereof unreasonable	233
on actions of review, regulated	249
in civil actions where State is party, when received by Clerk to be paid to county Treasurer for use of State	422
in cases of replevying the person, regulated	330, 331
in case of damages in locating roads, when increased or diminished	*511, 512
in case of view, by jury, in actions relating to real estate, how to be advanced and taxed	386
— damages estimated on turnpikes, how to be paid	*608
where damage recovered in Common Pleas does not exceed \$20 to be 1-4 part of damage, except on report of referees	263
not to be allowed by Courts on amendment of circumstantial errors	259
to be allowed plaintiff in one action only, when he brings several at one term, which might have been joined	260
in criminal cases, in Judicial Courts to be taxed in all cases before them, for jurors, witnesses, officers, Justice, &c.	371
such bills of costs to be paid by county Treasurer	ib.
copies of such bills, together with certificates of fines, &c. to be delivered by Clerks to county and State Treasurers, after rising of Courts	ib.
COSTS in criminal prosecutions, when collected by officers, on judgment or sentence of Courts to be paid to County Treasurer forthwith	372
statement of bills of, to be made under oath by County Treasurer to State Treasurer within two months after rising of Courts	373
sums allowed in, to individuals not to be paid unless demanded within three years	374
sums not so demanded, to be credited to State, by County Treasurer	375
sums taxed in for Attorney General in cases, to be credited to the State	ib.
how paid, when not collected of convict	377
COUNSEL, Judge and Register of Probate, not to act as, in cases	193
Justices of the Peace not to act as, in actions before them	357
[See <i>Attornies and Counsellors.</i>]	
COUNTERFEITING bills, notes, coins, &c. [See <i>Forgery.</i>]	79
COUNTIES, deeds to and from, how to be made and executed	178, 179
COUNTY each to have houses of correction. [See <i>houses of correction.</i>]	451
actions by and against where to be commenced	253
— inhabitants of one against inhabitants of another, where	ib.
— by plaintiffs against their own county, where	258
— between—and corporations where	ib.
inhabitants of, may be witnesses, although party, provided to be assessed by Court of Sessions to indemnify Sheriff, when judgment is recovered against him for insufficiency of gaol	450
to be sued if such sum be not assessed and paid within six months	ib.
such suit how prosecuted, defended to final judgment, execution, &c.	ib.
inhabitants of, compelled to pay execution against, how indemnified	ib.
liable in damages to travellers injured by bad roads	*516

COUNTY	penalty against—when life is lost by bad roads taxes, how assessed, collected and paid [See Taxes.] charges how defrayed. [See Costs, County Treasurer, &c.]	*518
COUNTY	ATTORNEYS how appointed, powers, duties duty to be paid by, to county or State Treasury [See Attorney.]	422 425
COUNTY	REGISTER [See Register of Deeds.]	
COUNTY	TREASURER to be chosen annually on second Monday of September copy of record of votes for, to be returned to Court of Sessions to be sworn and give bond if no choice of, what proceedings to be had duty as to paying county charges to enforce payment of county tax in same manner as State Treasurer to exhibit his account annually, with county estimates to Secretary of State in January to exhibit annually, &c. account of money in his hands to lay before Legislature annually, account of money raised and how disposed of persons who are not eligible to office of to receive costs taxed for State in civil cases, and pay over the same to State Treasurer may issue warrant against delinquent Constables—form Sheriffs, in certain cases to receive of United States, money due for keeping their prisoners to procure standard beams, weights, measures, &c. sealed—and to be proved by State standard once in ten years to sue delinquent officers, not paying over fines, &c. collected — Justices of the Peace for not accounting, &c. semi-annually for fines to transmit State Treasurer, on oath, an account of bills of costs allowed in Courts balance of such accounts how adjusted and paid penalty for neglecting to transmit accounts to render account annually in January to Governor and Council of fines, costs, &c.—substance and form thereof not to pay sums allowed to individuals in criminal bills of costs unless demanded within three years such sums after that time to be credited to State to account with his county for jury fees—and for gaoler's charges for maintenance of prisoners received from State Treasury compensation allowed to, by State, on settlement of accounts may commence and prosecute suits on securities given to predecessor	420 ib. ib. 421 ib. 416 ib. 421 ib. 422 *493, 494 *495 451 *576 372 373 ib. ib. ib. 374 ib. 375 ib. 376 262
COURT	SUPREME JUDICIAL established; jurisdiction, power, &c. may order proceedings of Inferior Courts, &c. brought before them administer oaths, punish for contempts, issue writs of mandamus process to hear test of first Justice, under seal of Court to make rules for the admission of attorneys times and places of holding one Judge, and when no Judge present, Sheriff may, in certain cases adjourn from day to day, until quorum &c. may enter judgment as of former term, in certain cases, when actions are continued nisi for advisement in such cases liens by attachment to hold Reporter of decisions of, to be appointed, his duty [See Reporter.] one Judge to hear and decide causes when the others are interested	241 242 243 ib. ib. 243, 244, 246 245 245 246 ib. 247
JURISDICTION	—as to crimes, &c. Treason and misprision of treason Murder, manslaughter, felonious maims and assaults—and duelling Rape and assaults with intent to commit rape Incendiaries and malicious mischief Sodomy and Bestiality Burglary and other breaking and entering buildings Robbery and other larcenies Blasphemy Adultery, polygamy and lewdness Forgery and counterfeiting Perjury and subornation of perjury Cheats and gross frauds at common law Cheating by false pretences wilfully destroying or casting away vessels, &c.	51 53 56 58 61 ib. 63 71 77 79 85 86 ib. 87

JURISDICTION, &c. making out false invoices to defraud underwriters	87
gaming, betting, &c.	97
violating sepulchres of the dead	93, 94
arresting dead bodies	94
purchasing notes, by officers and ministers of the law	101
bribery and corruption	101, 102
frauds of Clerks in State Treasurer's office	*747
transporting minors, &c. without consent of parents	103
violations of law respecting contagious diseases, small pox, &c.	*562, 564
selling unwholesome provisions	104
erecting hospitals for inoculating with small pox, in certain places	*561
injuring fire engines, wantonly	115
as to nuisances, on appeal from two Justices quorum unus	111
on indictment of felony may receive verdict convicting of part and acquitting residuum—and sentence accordingly	266
to proceed on trial of persons indicted for capital crimes standing mute	
as if pleading not guilty	ib.
to punish offence of passing, &c. foreign bank bills, under \$5	*628
may in certain cases, allow owner of stolen goods to dispose of convict in service	70
may allow compensation to prosecutor of thieves	69
COURT SUPREME JUDICIAL or any Judge thereof may grant writs of habeas corpus for persons restrained of their liberty	322, 324
when and how returnable	ib.
not to grant writ for persons imprisoned for certain offences unless	322
but may bail for any offences, special cases excepted	ib.
on return of writ of habeas corpus to examine, &c. within three days and bail or discharge, &c. as case may be	324
may grant habeas corpus for minors enlisting into the U. S. Army without consent of parents	324, 325
may inquire into facts, &c. against return of writ	325
may punish, as contempt, any disobedience to such writ	ib.
power of—as to out-lawry, manner of proceeding	337
jurisdiction as to divorce and alimony	344, 345, 346, 347
may grant reviews of judgments rendered by Com. Pleas or Justice of Peace, when appeal is lost, under certain circumstances	248
provided petitioned for within three years	248
may stay execution on granting review, or grant costs to respondent, if denied, as case may be	249
may allow appeal or complaint to be entered after the regular term, if omitted by mistake, accident, &c.	ib.
to have same discretionary power in regard to appeals lost, &c. as in reviews, if petition be made within one year	ib.
such proceedings not to affect bail, or property attached	ib.
may allow claim against insolvent estate, rejected by commissioners, to be prosecuted at law, in certain cases, after creditor has lost his right	250
provided petitioned for within two years	ib.
may license married woman, abandoned by her husband, to sell any part of her real or personal estate during his absence, for her support	251
and to prosecute and defend actions, as feme sole	ib.
husband returning, while contracts made by such powers are in force, to be liable thereon	ib.
actions pending in such cases, where wife is party, not to abate by return of husband	252
to give notice before granting such powers to wife, in same manner as on libels for divorce	ib.
may appoint auditors in any case when deemed proper—and their report to be evidence to jury	262
to allow reasonable compensation to be taxed for auditors	ib.
proceedings in, as to actions of account appealed, regulated	261
may license reversioners and others to cut timber, &c. in certain cases under direction of commissioners	126, 127
Jurisdiction as to bills in equity, on mortgages [See mortgages.]	145
—bills in equity respecting estates escheated to State and afterwards restored to owner	188
—bills of discovery for amount of goods embezzled by master, &c.	93
—partition of real estate, on petition, after notice	134, 135
—inquests of office to revest real estate in the State	184

COURTS S. J. to have equity powers as to trusts under deeds, wills, &c.	189
equity powers as to lands held in trust for use of counties	179
chancery powers as to forfeitures and penalties	189, 190
may remit all or part of penalty on scire facias against principal, sureties, or witnesses in criminal prosecutions	191
may commit persons acquitted of trial, on ground of insanity until restored to reason	252
any Judge of, may discharge such person, when safe	253
or a Judge may commit such person to the custody of his friends in case	ib.
— to be Supreme Court of Probate	193
appeals to, from Court of Probate how prosecuted	221, 222
may grant appeals from Probate Court in certain cases, on petition after loss of right, under limitation of one year	222
to regulate costs on appeals from decrees of Probate Courts, relating to trusts, &c.	223
to have jurisdiction of suits on probate bonds	224
in such suits, proceedings to judgment execution, &c.; how	224, 225, 226
to continue such suits when principal has not been served with process in case, &c.	224
may grant license to executors and administrators to sell real estate of deceased for payment of debts legacies, &c.	227
if partial sale would greatly injure the rest, may license sale of whole	228
to give notice previous to granting license in any case	ib.
may license guardians of minors, non compos, lunatics, idiots, spendthrifts, &c. to sell estate of their wards, in whole or part, under same conditions and restrictions as are required in sale of estate of persons deceased for debts, &c.	215, 228, 229, 230
to require certificate of overseers of the poor in certain cases and Judge of Probate in all cases on such petitions and may examine petitioner on oath, before granting such licenses	223, 229
may authorize sale of real estate of minors, or non compos, &c. and direct proceeds to be put on interest, if made to appear for their benefit	230
certificate required from Judge of Probate of its necessity previous to granting such license	ib.
bond to be given to account, &c. to Judge, before sale	ib.
may license executors, administrators and guardians to sell real estate of persons dying within the State, of persons who lived, or are out of the State, under restrictions, limitations, &c.	231
may authorize executors and administrators to make conveyances to complete or fulfil contract or covenants of deceased	232
may award costs to respondents in certain cases, if petitions are unreasonable	233
their powers as to trusts, &c. not affected by provisions relating to trustees appointed by wills	249
to inspect records, &c. of their Clerks, and if deficient, to direct suit to be made on bond	443
proceedings on appeal from the Common Pleas regulated	265
— on appeal from Probate Court	221, 222, 223
COURTS OF COMMON PLEAS. Jurisdiction as to larcenies not exceeding \$100	63
violation of law against passing foreign bank bills under 5 dolls.	*627
violation of provisions for due observance of Lord's day	73
fornication	78
gaming, betting, &c.	97, 98
arresting of dead bodies	94
jurisdiction as to nuisances	106
may allow compensation to prosecutors of thieves	69
may remit all or a part of penalty on scire facias, in criminal cases	191
jurisdiction as to offence, of selling unwholesome provisions	104
may in certain cases empower owner of goods stolen to dispose of convict in service	70
to punish violations of the law relating to small pox, and contagious diseases	*562, 564, 566
jurisdiction as to bastardy cases, and trials therein regulated	348
— as to certain trespasses made penal	125
— as to offences of defacing mile stones, or public monuments	124
how to regulate trials in cases brought from Justices of Peace, when title to real estate is set up in defence	356
to try cases of seizure of personal property liable to forfeiture, &c. if more than \$20 value, proceedings therein	369, 370

COURTS C. P.	to audit and settle Sheriffs' accounts of fines, &c. in that Court	407
	to allow and order payment of incidental expenses in that Court	416
	powers as to regulating places for turnpike gates, time of opening, &c.	
	may approve laying out [See turnpike.]	*600, 606, 607
	powers as to appeals from Justice of the Peace, complaints, defaults, judgment by mistake, to allow entry after regular term, review, new trial, &c. in same manner as Supreme Court in similar cases	250
	may appoint auditors in any case, when deemed proper	262
	their report to be evidence to jury	ib.
	to allow compensation to be taxed for auditors	ib.
	to allow reasonable compensation to trustees summoned out of their county	287
	or one Judge thereof, may admit to bail persons committed for bailable offences	336
	may compel kindred of paupers to contribute to their support and assess weekly contribution to be paid therefor	*532
	and direct with which of them the pauper may reside	*533
	may discharge apprenticed children from their masters in certain cases	*760, 534, 535
	proceedings in applications therefor	*535
	may receive complaint of Overseers, for removal of paupers [See poor.]	*542
	may commit keepers of houses of ill fame to house of correction	*536
	may authorize location of reserved lots, on application of Assessors	151
	to appoint a committee with directions to designate the use	ib.
	report of such committee, accepted, recorded, &c. to be effectual	152
	jurisdiction in proceedings for partition of real estate	134, 135
	may license sale of real estate by guardians of idiots, non compos, spendthrifts, minors, &c. in whole or part, in certain cases	215, 227, 228, 229
	may license executors, and administrators to sell real estate of deceased, for payment of debts	227
	proceedings and evidence required before granting such licenses to executors administrators or guardians	228, 229
	may grant licenses to executors, administrators and guardians out of State to sell lands within the State for payment of debts, in certain cases	231
	to require notice, &c. previous to granting any such licenses, and may also examine petitioners under oath, in such cases, as to facts	229, 229
	may authorize executors and administrators to make conveyances to carry into effect contracts of deceased	232
	may award costs to respondents in certain cases, when petitions, &c. are unreasonable	233
	times of sitting in York county	352
	in Cumberland county	246
	proceedings of, respecting mechanics, &c. lien on buildings	*755, 757, &c.
COURTS JUDICIAL	may grant reviews, on petition, in cases where there is good reason for setting aside verdict: on conditions, &c.	247
	may grant reviews when by accident, mistake, &c. judgment has been rendered, and in all civil actions when reasonable	248
	may stay execution on granting, or give costs to respondent if denied to continue actions on joint contract where one or more defendants live out of State, unless notice, &c. is proved	255
	to allow amendment of circumstantial errors, without costs	259
	may issue attachment against witness refusing to obey summons after fees tendered, and may punish by fine	265
	may authorize Sheriff to dispose of poor convicts in service, in certain cases	376
	or to liberate them on taking their notes to the county Treasurer for fine and costs	377
	or to liberate them on such conditions, as directed	ib.
	how to direct impanelling of Grand and Traverse jurors	382, 383
	may examine jurors, on oath, as to interest, in trials	382
	may direct jury to view, in actions relating to real estate, on condition	386
	may direct when and what days of their sittings venies for jurors be returned	386
	may cause testimony of witnesses to be taken in writing, in open Court, or by Justice—to be used on appeal, review, &c. in case	391
	may admit or reject depositions taken out of State, provided, &c.	392
	may grant dedimus to take depositions within or out of State	ib.
	may appoint Clerks pro tempore, in certain cases	400
	may confine persons convicted, in common gaol, or house of correction	453

COURTS J. may sentence convicts to house of correction conditionally, viz. non payment of fine and costs	453
when fining towns for defective highways—to appoint agent to expend amount in repairs—and cause him to account	*519
may adjourn, by proclamation, from places of holding, where mortally infectious distempers prevail	*560
may take acknowledgments of deeds to bar entailments	132
to make up judgment in actions on default	259
may take off default on payment of costs, in certain cases	259
may affirm judgments of lower courts when appeals are not prosecuted, &c.	135, 222
COURTS OF SESSIONS established and their jurisdiction defined	349
times of holding—Clerks of, &c.	350, 351
pay of Justices	351
one or more Justices may adjourn, when less than quorum	ib.
may cause partition of general and common fields in certain cases	171
to establish rules to govern gaols and houses of correction	119
their power and duty as to convicts sentenced to hard labour	119, 120
to divide counties into Jury districts, and how	379
to examine sufficiency of Sheriff's bond and cause the same to be certified by their Clerk to State Treasurer	401
to examine and approve of Coroner's bonds	402
to prepare estimates of county charges, &c. annually on 1st of January	415
Clerks of, to transmit same to Secretary of State with county Treasurer's account on 1st of January annually	416
to adjust accounts with county Treasurer and Attorney, Sheriffs, &c. of money in their hands, or for services due them, annually	416
to assess money, authorized by Legislature, for building and repairing prisons in each county	445
to cause apartments to be provided for debtors separate from criminals	ib.
to assess money on county to indemnify Sheriff for loss sustained by him for insufficiency of gaol	450
may appoint agents to defend suits against county by Sheriff	450
to cause house of correction to be provided in each county	451
to appoint master and establish rules, regulations for	ib.
to appoint Overseers, with powers, duties—compensation	452
to examine accounts of Overseers, remove them	ib.
to provide materials for work, establish rules relating to, distribution of profits of labour, management	454
to examine and allow accounts of master	455
to approve of bye-laws of towns, provided	*463
to appoint Assessors when towns neglect to choose Assessors, or Selectmen	*472
to appoint others in place of delinquent Assessors	*474
to hear complaints for over-rating by Assessors of taxes	*477
to direct laying out, altering, amending, &c. highways and estimating damages therein	*509
[See highways.]	
to direct payment of damages estimated, in laying out highways and issue warrant of distress	*512
to allow reasonable time for opening highway, not exceeding twelve months	*514
to direct as to mode of supporting highways through unincorporated places	*520
how to proceed in locating highways through proprietor's lands	*521
may direct assessment of tax for support of town watch in case town vote	*553
may license auctioneers when Selectmen unreasonably refuse	*590
to appoint committee to lay out turnpike when granted by the Legislature	*600
may license tin pedlars, provided	*762
may license ferrymen, and establish rates of ferriage	*768, 769
proceedings respecting choice of Register of Deeds	417
if no choice by people, to issue warrants for new trial and adjourn to receive returns of votes	418
may appoint agents to convey county lands in certain cases	179
COURTS MARTIAL [See Militia.]	
COVENANT [See contract, Courts, &c.]	
CRACKERS, SQUIBS, &c. not to be fired without license of Selectmen	115

CREDITORS to insolvent estates allowed from six to eighteen months to support their claims before commissioners	203
when claim of, is disallowed by commissioners, may have it determined at common law, giving notice at probate office	204
or may have it determined by reference, on agreement with executor or administrator by rule before Judge	ib.
not making out their claims, &c. to be barred unless they find estate not inventoried—or unless estate should not prove insolvent	205
may sue if executor or administrator neglect to settle account for six months after final report of commissioners	206
CREDITORS to intestate estates entitled to administration if widow and next of kin refuse	194
may be examined on oath by commissioners as to their claims	205
to estates of persons deceased, how to proceed, previous to suing probate bonds	225
whose debtors have been committed on execution may have process of foreign attachment on condition	294
on execution levied on real estate to execute release to debtor, on payment within time of redemption	283
on executions, &c. may in certain cases offer release to debtor before suit	ib.
effect thereof if pleaded by debtor to suit for possession	ib.
liable to support their debtors imprisoned for debts incurred since March 14, 1820 in certain cases	*538
may discharge debtor's body in such case, without prejudice to his demand or property	ib.
CRIMES, persons accused of, their right to be heard, secured	22
— their right to demand and have copy of accusation	ib.
— to have speedy, public and impartial trial by jury, except, &c.	23
— not bound to give evidence against themselves	23
— not held to answer for capital or infamous, unless on presentment of grand jury	ib.
— before conviction bailable, except	ib.
— to have compulsory process for witnesses and be confronted by them	23
— to be bailed or discharged, unless indicted at second term or within six months after commitment	267
persons indicted of certain, amounting to felony may be acquitted of part, and convicted of residue	266
of murdering bastard child by mother, concealing death and delivery in secret, when included in one indictment—verdict may acquit of part, or convict of part, or whole, as case may be	56
persons accused of, and out of State where committed—how delivered up	*458
[See fugitives from justice.]	
CRIMES CAPITAL persons charged with, standing mute, to be tried as if pleading not guilty	266
— accused of, not to challenge peremptorily more than 20 jurors	ib.
— convicted of, not to be executed without warrant under the great seal of the State	268
of robbery and larceny—accessaries to—may be prosecuted for misdemeanor, though principal be not prosecuted, or convicted	68
[See arson, burglary, murder, treason, &c.]	
[See also accessaries and punishment.]	
CRIMINALS not to be removed from one gaol to another without habeas corpus	325
when to be tried or bailed or discharged if in prison	267
standing mute in capital cases, to be tried on plea of not guilty	266
not allowed in capital cases to challenge more than 20 jurors without cause	ib.
capitally convicted not to be executed, but by warrant from Supreme Executive, under great seal	268
[See Crimes, Courts, Supreme Judicial, Evidence, &c.]	
CRUELTY extreme in either party married to be cause of divorce from bed and board	345
to horses or cattle how punished	60
CULLERS OF STAVES [See Lumber.]	
CURRIER [See Nuisance.]	
CUT NAILS [See Nails.]	
CURSING and SWEARING &c. how punished	72
CURTESY, when husband shall be tenant by	143
CUTTING, disfiguring or maiming, punishment of	54

D

DAMAGES now assessed, on default of defendant	259
for detention of widow's dower	150
for flowing lands by erecting mill dams [See mills.]	172
trespasses, &c. in general and common fields, how estimated [See fences.]	168
for injuries by cattle to common fields regulated	169
in audita querela, how recovered	327
in replevin [See replevin.]	169, 170, 366, 367, 368
on inland bills of exchange regulated	396
for false imprisonment, beside penalties—how recovered	326
assessed against corporations or individuals by jury or committee may be collected by warrant of distress	275
in laying out highways how estimated by jury or committee	*510—513
[See highways.] and how levied	*512
in laying out turnpikes, how estimated, paid, &c.	*600, 607
from defect, want of repair, &c. of bridges, &c. on turnpikes [See turnpikes.]	*603
sustained by travellers from bad roads, how recovered	*518
done by cattle how estimated, when impounded, in certain cases	*570
sustained by persons injured by fire set in the woods, how recovered	60
for injuries from mischievous dogs how recovered [See dogs.]	*765
— to vessels by unskilful or negligent pilots, how recovered	*771
— in fraudulent destruction of vessels and cargoes	87
— by nuisances	107
— explosion of gunpowder, illegally kept	113
— by certain trespasses in orchards, gardens, &c.	125
— to counties, towns, parishes, &c. in their property	124
occasioned by embezzlement of masters. &c. owners liability therefor limited	92
on inland bills of exchange regulated	395, 396
DANCING in taverns, Saturday and Sunday evenings prohibited	75
DEACONS of churches, may take grants to pious and charitable uses, as bodies corporate	152
elders, &c. may take in succession real estate for use of churches	*595
DEAD BODIES , punishment for digging up, removing, concealing, &c.	93, 94
not to be arrested on mesne process or execution	94
of persons executed for duelling or murder, to be dissected, in case	53
DEATH , sentence of, not to be executed, but by warrant and until, &c.	268
violent or casual, inquisition of, to be made by Coroners	409
DEATHS, BIRTHS , &c. notice to be given to town Clerk, by parents, householders, masters of vessels, alms houses, &c. under penalty	*596
to be recorded by town Clerk	ib.
DEATH , of either party after appeal, and before sitting of Court appealed to, or before final judgment, action may be prosecuted by executor or administrator, if cause of action survive	236
such actions may be continued for executor and admin'r to come in	236
of either party pending review, proceedings therein	262
— or pending petition for review	263
not to vacate attachment, unless defendant's estate is rendered insolvent	284
of Justices taking recognisances for debts, relief provided for in case of	361
DEBT . [See action of.]	
DEBTS , speedy method of recovering provided, by recognisance before Jus. Peace	359
may be compounded by executor or administrator of creditor in certain cases by joining in discharge, with other creditors	207
of corporations, in certain cases, individual members liable for	*611, 615
DEBTOR , may redeem right in equity sold on execution, within one year	278
— and real estate taken on execution	282
mode of settlement of disbursements, rents, profits, &c.	283
release to be executed by creditor, on redemption money paid	ib.
if refused, possession to be recovered by action	ib.
surrendered by bail in civil actions, how proceeded with	333, 334, 335
may be committed by his bail and how	332, 333
DEBTORS POOR [See prisoners, also poor.]	
absconding [See foreign attachment.]	
[See execution, attachment, corporation, foreign attachment, &c.]	
certain goods of, exempted from attachment, execution and distress	414
mode of proceeding against, in process of foreign attachment	286
may be discharged from gaol in certain cases, without vacating judgment	*538

DEDIMUS, may be granted by Judicial and Probate Courts to take depositions	217, 392
DEEDS of real estate to be signed, sealed, acknowledged and recorded	130
to be of no effect, unless so executed, against any, except the grantors and their heirs	ib.
proof of, how made, when grantor is dead or out of State or refuses to acknowledge	130, 131
how proved when grantor, and witnesses also, are dead	130
by tenant in tail, if executed in due form, in presence of two witnesses sufficient to convey his estate in fee	132
by tenant of freehold and remainder man, if executed in like manner, good to convey the whole estate in fee	133
to and from counties, how to be made	178, 179
of different forms for the benefit of counties, confirmed	179
of agents for counties, executed, &c. in form to be valid	ib.
of officers selling real estate of banks, at auction and effect thereof	275, 276
of equities of redemption	277, 278
of executors, administrators and guardians under license of Courts	227, 232
of spendthrifts, &c. after application to Judge of Probate for guardian, void in certain cases	216
for gaming debts, to ensure to such persons and uses as if grantor were dead	96
Register of, how chosen, sworn, &c. [<i>See Register of Deeds.</i>]	417
of proprietors, Constables, Collectors, officers, &c. selling on execution [<i>See Proprietors, execution, &c.</i>]	
records of, to be deposited with Clerk of Supreme J. Court, when there is a vacancy in office of Register [<i>See Clerk.</i>]	419
records to be kept in fire proof buildings	444
of pews may be recorded by town Clerks	133
[<i>See conveyance, executors, administrators, guardians, execution, &c.</i>]	
of defeasance not good against estates in fee, unless recorded except as to the original parties	131
DEFAULT [<i>See Courts Judicial.</i>]	
DEFEASANCE deed, or bond of, to be recorded [<i>See Estate, Deed, &c.</i>]	131
DEFENDANT, when out of State, mode of serving writs upon	254
in review, when out of State, writ to be served upon ter tenant	ib.
when never inhabitant of State, mode of serving original summons upon	255
when out of State at time of service, &c. action to be continued	287, 256
not appearing, after due service, to be defaulted, judgment, &c.	259
in trespass <i>quere clausum</i> , pleading disclaimer and involuntary trespass	
may tender amends, or bring money into Court, proceedings, &c.	259, 260
may file account in offset, in certain actions, and recover balance, if any due	ib.
refusing to appear before auditors, what proceedings to be had	261
in real actions, held to answer for so much of demanded premises as they do not disclaim	259
DEGREES of consanguinity or affinity, within which marriage is prohibited	340
DEMANDS in dispute may be referred, if parties agree, by rule before Jus. Peace	361
to be in writing, signed by parties, annexed to rule	361
DEMURRERS, judgment on, may be appealed from, if action appealable	265
DEPOSITIONS in what cases and circumstances to be taken	388
not to be taken before counsel, attorney or person interested in the case	389
when taken, notice to be given to adverse party or his attorney if within the State	ib.
form of notice, by whom and how given	ib.
where there are several plaintiffs or defendants, notice to one sufficient	390
before taken, deponent to be first cautioned and sworn	ib.
to be written by Justice, deponent, or disinterested person	ib.
to be handed into Court by Justice, or sealed up under formal caption	ib.
form of caption, summons to deponent	390, 391
may be taken in open Court in certain cases	391
taken out of State, may be admitted or rejected at discretion of Court, but in all cases, adverse party must have been notified if within 20 miles	392
may be taken by dedimus from Judicial Courts and Probate Courts, in certain cases	197, 392
may be used in prosecutions for forfeiture of personal property seized	370
may be used in prosecutions for removal, &c. of paupers	*542
of witnesses to wills may be admitted in case	197
false swearing in, to be punished as perjury	394
in perpetuum how taken and certified by two Justices q. u.	392
may be taken by notary public	424

DEPOSITIONS, to be recorded within ninety days in county where land, &c. lies, or parties interested reside	393
certified copy of—legal proof, if deponent cannot be produced	ib.
DESCENT OF ESTATES regulated, [See estates. &c.]	142
DESTRUCTION wilful, of vessels, cargoes, &c. to defraud underwriters, punish- ment of, [See ships, vessels, &c.]	87
DEVISEES, not to be barred by certain limitations of actions, [See executors, &c.]	239
liable to pay demands against persons deceased, in case	ib.
DEVICES for life and afterwards in fee tail, how to be construed, [See wills.]	138
of lands and tenements how to be made, [See wills.]	ib.
DISCLAIMER and involuntary trespass, effect of, pleaded with tender	259, 260
in real actions may be pleaded in whole or part; proceedings thereon	260
in inquests of office for State, effect thereof	185
DISCONTINUANCE or nonsuit, party prevailing in, entitled to costs	259
of roads, &c. [See highway.]	
DISGUISE, persons assuming, to obstruct laws, how punished	95
DISQUALIFICATION, of persons out lawed, duellists, &c.	55, 339
DISSECTION, bodies of duellists and murderers to be delivered to surgeons for, in case	53
DISTILLING, through leaden pipes, heads and worms, prohibited	117
assay masters to be chosen by towns, to inspect worms, &c.	ib.
their duties powers, certificates, &c.	ib.
DISTILLERIES, places for, regulated, [See Nuisance.]	
DISTRESS, exemption of certain goods and chattels from	*688, 702, 414
warrant of, may be issued by Judge of Probate to compel payment of— expenses of division of real estate	210
[See warrant of distress.]	
DISTRICTS, school, [See schools, taxes, &c.]	
highway, [See highways.]	
DISTRIBUTION of intestate property to be equal among children,	142
[See estates.]	
of insolvent estates among creditors, [See estates insolvent, &c.]	
DIVISION, [See estates, &c.]	
DIVORCE and alimony regulated	344
Supreme Judicial Court to have jurisdiction of	ib.
trial of, to be in county where parties dwell	ib.
libel for to be filed in Clerk's office, notice how to be given	ib.
DIVORCE from bond of matrimony, and from bed and board, when to be decreed not to be decreed in case of collusion, or adultery of both parties	345
when decreed for affinity, &c. or impotency, wife to have all her lands restored, and such of her personal estate, as may be equitable	ib.
in such case Court may compel husband to disclose, &c. under oath	ib.
when for adultery of husband, wife to have dower in his lands and all the real estate held in her right, and such personal estate received by her as may be equitable	ib.
alimony may be also allowed out of his personal estate if necessary	ib.
when for adultery of wife, what lands, &c. husband shall have	346
provision for support of wife out of personal estate	ib.
for cruelty or desertion of husband, what proceedings as to property	ib.
alterations in alimony, &c. may be made by Court, when necessary	ib.
libel for, when filed, &c. in certain cases, to operate as lien on lands &c. of husband, for final decree	ib.
when decreed in such cases, proceedings as to property	347
when decreed for cruelty of wife, what proceedings to be had	ib.
decree of, for adultery, not to bar children of their inheritance	ib.
guilty party in, not allowed to marry again	78
from bond of matrimony—penalty for cohabiting, &c. after	347
DOGS, mischievous, owners of, liable to double damages for mischief, &c. in case	*765
may be killed if suddenly assaulting persons, wounding cattle, &c.	ib.
penalty for owner, &c. not killing, or confining, after complaint	*765, 766
going at large, after complaint and notice, may be killed by any one	*766
treble damages may be recovered for injuries done by, after notice	ib.
DONATIONS to pious uses, how taken, held, alienated, &c.	152
DOWER of widows, in estates conveyed by deed, in which they did not join with their husband	131
in real estate set off on execution against husband	281
to be assigned, &c. within one month after demand	149
to be recovered by writ, with damages if not so assigned	150
writ of seizen of, how to be executed by sheriff	ib.
may be assigned of rents and profits in certain cases	ib.

DOWER, of what estate widow shall have, except where she may have legally released	143, 151
to be assigned to alien widow of citizen	150
reversion of, in insolvent estate may be sold for creditors	204
may be divided among heirs, &c. on settlement and division of the other parts of the estate	210
writs of, how to be served	254, 255
DRAINS and common sewers regulated, how to be made, connected, &c.	528
expense of opening, clearing, &c. how to be apportioned, defrayed, &c.	529
DRUNKARDS, &c. when posted, &c. not to be furnished by innholders, retailers, &c. with spirits, under penalty	*589
to have guardians appointed, [See guardians.]	215
DUELLING, punishment of, principal and accessory thereto	55
bodies of persons convicted of murder by, may be dissected	53
giving or accepting challenge to—punished	55
DUTIES on certain officers commissioned or appointed, to be paid into the treasury of the county, or State	426, 425
penalties, disqualifications, &c. if not paid	426
sums, so paid, how to be accounted for	426
[See Clerks, Sheriff, Justices, County Attorney, Inspectors, &c.]	
on licenses to retailers, innholders, &c.	*586
to tin peddlers, &c.	*762
deeds, to be paid by Register of deeds to county Treasurer	418
[See Licenses, Retailers, Pedlers, Register of Deeds, &c.]	

E

EDUCATION OF YOUTH provided for [See Schools.]	*503
amount of money to be raised and expended for, in towns and plantations	*463, 503
duty of instructors, in regard to, at Colleges, academies, &c.	*504
EJECTMENT lies to recover redeemable lands, set off on execution for lands on a person's own seizure limited to twenty years	233
defendant, on disclaimer, to recover costs, unless	235
[See Actions Real, &c.]	260
ELECTIONS regulated [See Towns, Selectmen, &c.]	*464
military duty on, prohibited in cases	*468
ELDERS, DEACONS, &c. of churches, capable of taking real estate in succession for pious and charitable uses	*595
EMBEZZLEMENT of goods, &c. of persons deceased, and of idiots, non compos, &c. provisions to prevent	202, 203, 214
by master of vessel or mariners, owners how far liable, in case,	92
when vessel and cargo insufficient to make compensation for, what proceedings to be had	ib.
charterer, how far to be considered owner in certain cases of	93
ENDORSERS of writs, liable to pay costs and prison charges in case plaintiff avoid	257
new, may be required in certain cases	ib.
to be an inhabitant of this State	ib.
required on all original writs, and mode of endorsement	403, 257
required on writs on probate bonds, and for whose benefit	224
of writs against Sheriffs and Coroners on their bonds, required and how	408
of negotiable securities, not liable on process of foreign attachment	294
of notes, bills, &c. how notified by Notary Public	423
ENDORSEMENT [See Endorsers.]	
ENGINES FIRE, punishment for wantonly injuring	115
ENGINE MEN, certain numbers of, to be appointed by Selectmen, to each engine	*581
so appointed, to meet and organize, &c. in May annually	*581
companies to meet monthly to examine engines	ib.
to be under direction of fire-wards when on duty	*582
may be appointed to private engines in same manner as town-	ib.
certain, may be selected for special purposes at fires	ib.
certain may be exempted from military duty	*695
may be excused from serving as jurors, if their town so vote	*585
when negligent may be discharged and others appointed by Selectmen	*582
ENTAILMENT of estates, may be barred by deed of tenant in tail, &c. or by deed of tenant of freehold and remainder man	132
ENTRY of mortgagee, nature of, requisite to effect a foreclosure	145

ENTRY, of persons claiming lands, &c. to be made within twenty years after right accrued	296
forcible, and detainer [See forcible Entry.]	
EQUITY of redemption allowed in mortgaged estates, and lands set off on execution	144, 282
in lands mortgaged to the State	147
may be taken in execution, sold at auction	277
mode of attaching, taking in execution, &c. [See Execution, &c.]	
bills in, to compel mortgagee to restore possession, how instituted, &c. in Supreme J. Court, or Common Pleas	145
execution on decrees against defendants may be joint or several [See Mortgage, Attachment, &c.]	146
EQUITY POWERS granted to Supreme J. Court, as to trusts under deeds, wills	189
process to be used to carry into effect such powers	ib.
rules of practice in such cases may be adopted by S. J. Court	ib.
limitation as to contracts within such powers	ib.
to Supreme Court as to lands, &c. in trust for use of counties	179
to Supreme Court and Com. Pleas in forfeitures of bonds, conditions, &c. in which they may enter equitable judgment	190
in remitting all or part of penalty in scire facias, State against principal, sureties or witnesses in criminal cases	191
ERROR, WRITS OF, time for bringing of them limited to 20 years	300
ESCAPE from prison, voluntary or negligent suffered by gaolers, penalty for	448, 449
happening through insufficiency of gaol, Sheriff to be answerable	450
ESCHEAT of estate, where there is no kindred of deceased, to the State	143
ESTATE not devised, to descend and be distributed as intestate	142
of individuals, when taken for delinquency of towns in levying taxes, mode and nature of their indemnity	*502
and goods of deceased debtors on joint contract, liable as if contract had been joint and several, for payment of such	238
what persons may dispose of by will [See Will.]	137
certain devises of, how construed	138
of proprietors of aqueducts held in common at time of dissolution to be deemed real	*616
of Clerks and Registers of Probate whose records are deficient, liable	443
ESTATE REAL, mode of transfer by deed, how executed, &c.	130
conveyance of, or lease for more than seven years, not valid, unless so executed, except against grantor and his heirs	ib.
in fee, not to be defeated by bond of defeasance, unless recorded, except as to original parties	131
conveyed for gaming debts to enure as if grantor were dead	96
entailed, may be alienated by deed of tenant in tail, or by tenant of freehold and remainder man; deed to have two witnesses	132, 133
entailed, liable to debts of tenant in tail	227, 133
pews in meeting-houses to be considered as,	133
tenants not to commit waste, &c. pending an action to try title of,	129
taken in execution against defendant out of State, not to be conveyed by creditor within one year, in case	257
of Banks taken in execution may be sold at auction	275, 276, 277
held under certain possessory titles may be sold on execution as equities of redemption	278
executions how to be extended upon	281, 282
taken in execution redeemable within one year [See executions.]	282, 283
partition of, [See partition, probate, &c.]	
of persons recognising to State, held for amount of recognisance against any after transfer	339
when title to, is pleaded, in action before Jus. Peace, action to be carried to Com. Pleas	357
of persons living in the State, but out of town where assessed, taxes against, how collected	*486
contracts for sale of, or interest, &c. therein, void, unless in writing	240
leases, grants, &c. of, to be in writing, signed, &c.	240
leases of, to convey estates at will only, unless in writing	ib.
mortgaged to State, may be discharged by Treasurer on payment of money due	147
amount due, in such cases, may be settled by bill in equity	147
of proprietors of aqueducts to be considered personal—mode of transfer	*614
sale of, by married women, when deserted by husbands—regulated	251
of non residents, sale of for taxes [See Taxes.]	

ESTATE REAL of persons deceased, liable for the payment of their debts,	
whether estate be in tail or fee simple	227
or fraudulently conveyed, or colourably disseized	ib.
of persons deceased, may be sold for payment of debts and legacies, if	
personal be insufficient, by license of Courts	ib.
deeds of, when sold by license, &c. to convey such title as deceased had	ib.
when partial sale for payment of debts would greatly injure, Courts	
may allow sale of whole	228
— or minors, non compos, spendthrifts, &c. who lived, or are out of	
State, may be sold, if lying within State, in like manner, for debts,	
support, &c.	231
may be conveyed, to complete their contracts, by executor or admin-	
istrator, under license of Courts	232
income of, to be accounted for by executor or administrator	201
of idiots, non compos, lunatics, &c. may be sold by order of Courts, if	
necessary, for payment of their debts or support	215
or, if necessary, the whole may be sold, by license, for their benefit	230
mortgaged—may be sold by executor or administrator as personal prop-	
erty, where possession was not obtained by deceased	148
— may be discharged, on receiving amount due, by exec'r or adm'r	149
— may be foreclosed by action of executor or administrator for the	
use of heirs	148
set off on execution to executor or administrator, or recovered on mort-	
gage, to be for use of widow and heirs, unless necessary to be sold	
for payment of debts	234
redemption money in such cases may be received by executor or ad-	
ministrator and estate released	234
of persons deceased, may be taken on execution, subject to redemption,	
as in case of other levies	238
of testators, when taken in execution, legatees, &c. to contribute in cer-	
tain cases	141
when conveyed by mortgage how redeemable [See mortgage.]	144
when to be sold for payment of taxes. [See Taxes.]	
of proprietors in common regulated. [See Proprietors.]	154
— may be sold for payment of taxes	156
ESTATES REAL, INTESTATE, descent and distribution of	142
to descend in equal shares to children, and issue of deceased children	ib.
if no issue, to father	ib.
if no issue, nor father, in equal shares to mother, brothers and sisters,	
and children of deceased brothers and sisters, by representation	ib.
if no issue, father, brother or sister, to the mother	ib.
if no mother, &c. to next of kin in equal degree	ib.
collateral kindred in, how to be computed and preferred	ib.
if no kindred to escheat to the State	ib.
saving of husband's tenancy by the curtesy, and widow's dower	ib.
share of child, dying under age and unmarried, to descend to the other	
children and their representatives	ib.
issue or next of kin, if in same degree to intestate, to share equally, oth-	
erwise by right of representation	143
ESTATES PERSONAL, INTESTATE, how to be distributed	ib.
allowance to be made to widow, by Judge of Probate	ib.
after payment of debts, to be distributed as real, except, &c.	ib.
husband to have whole of residue	ib.
if widow and issue, widow to have one third	ib.
if no issue, widow to have one half	ib.
if no kindred, widow entitled to the whole	ib.
if no kindred, widow nor husband, to escheat to State	ib.
in settlement and distribution of, alienage of widow, issue, &c. to be	
no impediment in receiving share	211
ESTATES REAL, division of, by order of Judge of Probate, among heirs, devisees	
&c. whether in one or more counties	207
where it cannot be divided among all the heirs, the Judge may assign	
the whole to one or more, they paying the others according to apprais-	
al, by committee	ib.
conveyance by heirs, &c. not to prevent such division	208
when dower or partition is ordered in estate lying in common, com-	
mittee to sever estate of deceased, giving notice	ib.
division thus made and excepted, to be final, unless appealed from	209
division may be ordered by Judge in whole, or for part	ib.
committee appointed, to be under oath	ib.

ESTATES REAL , such division not to be ordered by Judge, when proportions, &c.	
appear to be uncertain or disputable	209
messuage of greater value than a share may be assigned to one, he paying surplus to others deficient	210
expenses being allowed by Judge, payment may be compelled	ib.
division of reversion of widow's dower when and how made	ib.
ESTATES REAL and PERSONAL, INTESTATE , in settlement and distribution of, advances, gifts, grants, &c. made to children and grandchildren, how to be estimated	211
how to be devised and bequeathed by will	137
ESTATES INSOLVENT , to be distributed, pro rata, among all the creditors saving taxes to be paid in full	203
claims against to be examined by commissioners	203
[See commissioners.]	
time allowed creditors to prove their claims	203
real and personal to be sold and proceeds distributed among creditors according to claims allowed, saving widow's dower and allowance	204
reversion of dower to be also sold for benefit of creditors	ib.
actions against executors and administrators of, not to be sustained, unless for taxes, until, &c.	205
if entered, to be continued, until	ib.
claims against if not supported before commissioners, &c. barred, unless	ib.
[See Administrators, Executors, Probate Court, Guardians, &c.]	
ESTIMATES of county charges, to be prepared by Court of Sessions, annually to be recorded and copy transmitted to Secretary of State, 1st January together with his account, to be exhibited by county Treasurer to Secretary of State	415
[See County Treasurer, and Court of Sessions.]	416
EVIDENCE of President and Cashier, in prosecutions for forgery, may be dispensed with, and other proof admitted, in certain cases	81
certificate of Secretary or Treasurer of U. States, or of any State, to be competent, in certain cases, in criminal prosecutions	82
necessary to convict of treason, or misprision of treason	23, 62
no person may be compelled to give, against himself in criminal cases	23
oath of tythingmen competent, in certain cases	76
printed copies of private acts and resolves, by authority, good	264
copy of Sheriff's bond, certified, &c. legal in suits thereon, unless signatures denied	405
in prosecutions on bastardy act, what shall be competent	348
in title to lands set off on execution from Justice of Peace, under "confession act" what shall be considered legal	443
copy of transcript of deceased Justice's records, into records of another, to be competent in certain cases	358
of notice to attorney of non residents, by Collector of taxes, what shall be legal	*488
of notice by officers of sale of lands, what shall be legal	*502
insufficiency of fence, not allowed to be given by defendant, in case of pound breach	*572
in trials where usury is pleaded in defence, oath of defendant competent, unless plaintiff will offer his oath	99
of notice by administrator, executor, &c. of their appointment and how perpetuated	199, 200
of appointment of executor, administrator or guardian by foreign Courts of Probate, what shall be sufficient for certain purposes	231
of notice of sale of real estate by executor, administrator or guardian, how preserved	233
given before Coroner, taking inquest to be reduced to writing in certain cases	411
report of auditors, appointed by Court, to be given to Jury as	262
inhabitants of towns counties and certain other corporations, competent to give, in case where towns interested	395
[See depositions.]	
EXCHANGE , damage on inland bills of, regulated, when protested	395, 396
EXCISE on retailers, and sundry officers [See duties.]	
EXECUTIONS on judgments in civil actions, may be issued at any time after 24 hours, and within one year, unless appealed from	269, 270
to save attachment, must be extended, &c. within thirty days	268
when to be made returnable and where, in Courts, and before Justices	265, 270

EXECUTION when an alias may issue	270
not to issue after expiration of year, without scire facias	ib.
to be offset by officers having, for and against same persons, in same capacity but not to affect attorney's lien for costs, nor right of assignees	270
goods taken on, to be kept 4 days, and advertised 48 hours before sale at auction	271
particular, return upon, to be made by officer	ib.
copy of, left with certain officers of corporations to be considered as taking shares, &c. sufficient to authorize sale after notice	ib.
copy of, with return to be left with Clerk, after sale	ib.
franchise and shares taken on, mode of sale	272, 273, 274
vendue for such sales, when and how long may be adjourned	273, 275
real estate of banks, may be sold at auction when taken by	275
— mortgaged to banks, may be taken and sold in same manner	276
equities of redemption how taken and sold on	277
may be levied on certain possessory titles in same manner, as on equities of redemption	278
how to be extended on real estate	238, 280, 281
return of, &c. to be recorded in Registry of Deeds within three months, effect thereof	281
may be extended on saw mills, grist mills, &c.	281
how to be extended on saw mills, grist mills, &c.	282
against manufacturing corporations, if not satisfied by return day, may be renewed and levied upon bodies and estates of any members	284
in the name and for the benefit of State, how to be issued, served, &c.	285
how awarded in trustee or foreign attachment process, in cases when returned unsatisfied in such process, scire facias to issue	290
how to be levied and collected in foreign attachment, process	291
how to be awarded by Justices of the Peace	293, 294
— on recognisances for debts	356
against Sheriffs and Coroners, how awarded and levied	360
— not to issue against their bodies	403
— returned unsatisfied, proceedings thereon, before Governor and Council	405
— when removed, to run against them in common form	ib.
against counties how levied and collected	406
may be issued against delinquent Collectors, &c. by State Treasurer, at request of Selectmen	450
against proprietors of aqueducts, how satisfied	*492
to be awarded against administrator, refusing to account for property of intestate in their hands, after being cited	*616
against administrator who has received personal property not inventoried, how awarded	225
amount collected on, to be distributed among parties interested	ib.
lands, &c. set off on, to executor or administrator, to enure to use of widow and heirs, unless necessary to be sold for payment of debts	226
not to issue against body or estate of executor or administrator, but against estate of deceased, unless on suggestion of waste	234
against estates of persons deceased may be levied as execution in common cases, and subject to redemption, &c. by executor or admin'r	235
in certain cases of equitable claims arising in real actions, how to issue	238
may be stayed, on granting review, by Judicial Courts	130, 181
not to issue on judgments recovered against defendants out of State when writ was served, until plaintiff file bond, &c. unless notice be given, &c. before judgment	249
certain goods, chattels, &c. arms, uniform, &c. of officers and soldiers of the militia exempted from being taken on	256
forms of, in several cases [See forms.]	414, *688, 702
where officer has more than one, mode of applying proceeds of sale of property taken thereon	302, 360
EXECUTORS , to file will in Probate office within 30 days after death of testator	278, 279, 280
to give bond, to return inventory, or if residuary legatee, to pay debts and legacies	196
refusing to accept, &c. or being minors, administration with the will annexed to be granted to some other person	198
where there are divers, none to act, but those who give bond	198
living out of State to give bond in county where testator lived	ib.
to give notice of their appointment, and how	ib.

EXECUTORS, evidence of, such notice how preserved	200
living out of State, or removing after appointment and neglecting to render account, or becoming insane, unsuitable, &c. may be removed	ib.
feme sole appointed, with another, to lose her authority by marriage	ib.
when one or more are removed, remainder, if any to proceed in settling estate	201
of an executor not thereby to become executor of first testator	ib.
having disputed claims, may by agreement with heirs, submit to reference before Judge of Probate	ib.
to account for income of real estate, according to appraisment thereof	202
may agree with creditor, before Judge of Probate to submit to reference demand disallowed by commissioners	204
neglecting to settle account for six months after final report of commissioners, liable to suits of creditors	206
judgment and execution to be awarded by Courts against estate in hands of such, as if not rendered insolvent	ib.
if such execution be returned unsatisfied, scire facias to issue and judgment to be rendered thereon for waste	ib.
if real estate be taken on such execution it shall be deemed waste	ib.
neglecting to raise money, &c. to pay debts of deceased, so that real estate be levied upon, guilty of waste	207
of deceased creditor may join with other creditors in compounding with debtors in certain cases, by consent of Judge	ib.
may require bond of indemnity from heirs, demanding share or legacy, if Judge of Probate deem it reasonable	211
how to proceed against persons suspected of embezzlement of goods, &c. of testator	202
one, if residuary legatee, may have action of account against his executor	212
not to be guardians to minors interested in same estate	213
to apply to Court for license to sell real estate of deceased for payment of debts, when personal is insufficient	223, 227
and be under oath, previous to sale	227
to give notice after license, previous to sale	227
evidence of notice how perpetuated	233
may be licensed to sell whole; when partial sale for payment of debts would injure the residue, notice being first given	228
may be licensed by Supreme J. Court and Common Pleas to make conveyances to complete contracts of deceased	232
money received by them as consideration on such contracts to be assets having estate set off to them on execution, or recovering possession of mortgaged, &c. to hold for widow and heirs, or creditors	234
may receive sums due from those entitled to redeem and execute release	ib.
not bound to answer suits brought within twelve months, unless for demands not affected by insolvency	235
suits brought within that time to be continued	ib.
may recover costs on such suits, in certain cases, by making tender, or bringing money into Court	ib.
executions and writs against, not to issue against their persons or estates, unless on suggestion of waste	ib.
proceedings against in scire facias on suggestion of waste and judgment how rendered	ib.
dying or removed during pendency of suits, same may be prosecuted or defended by administrators de bonis non, to final judgment	236
on such judgments writs of error may be prosecuted by administrators de bonis non	236
may prosecute or defend actions pending or appealed, when either party dies pending the action, or before sitting of Court appealed to	236, 237
if cause of action survive	236, 237
refusing to become party to such suits, after notice, judgment may be entered	237
actions against them limited to four years, provided	238
what shall be equivalent to commencing action against, in cases	238
limitation to extend to demands on contracts, covenants, &c. of testator not falling due within four years, unless	238, 239
liable on joint contract of deceased debtor, as if joint and several	238
not bound to plead specially, but may give special matter under general issue	ib.
may sell mortgaged estate, as personal property, when possession was not obtained by their testators	148
may recover possession by action for, to use of heirs, creditors, &c.	148

and may receive redemption money and execute discharge	149
EXECUTORS may be licensed to sell real estate lying within, of persons who lived out of State, under restrictions	231
appointed by foreign Courts, what shall be evidence, here, of their authority	231
when licensed to sell real estate, may adjourn vendue not exceeding 14 days	232
of deceased Constable or Collector to settle his account with assessors	*493
liability of, failing so to do	ib.
not answerable out of their own estates, on any special promise, unless in writing	240
in their own wrong, who to be so considered	212
EXEMPTION of enginemmen from serving as Jurors in certain cases	*585
from military duty, in case	695
from payment of toll on turnpikes in certain cases	*602
of certain persons from serving as jurors	378
of arms, equipments, &c. of soldiers from attachment	*688, 702
of certain goods and chattels of debtors from attachment	414, *702, 688
EXEMPTS [See Militia.]	
EXPORTATION of BEEF, PORK, &c. without inspection, prohibited	
[See Beef, Butter, Lard, Fish, Pot and Pearl Ashes, Lime, &c.]	
EXTORTION prohibited [See Fees.]	440

F

FALSE INVOICES &c. punishment for making, by owner &c. of vessel, to defraud underwriters	87
affidavit, protest, &c. by master, with like intent—punishment of imprisonment, damages for may be recovered, notwithstanding penalty &c. incurred	88
FEE TAIL, SIMPLE, &c. [See Estates and entailment.]	326
FEES of civil officers, and others established and regulated	427
list of, to be posted up in Clerk's and Register of Probate's office	439
receipt for to be given by officers if required	440
unlawful penalty for receiving	ih.
formerly allowed,—continued	ib.
of certain salary officers, to be accounted for, before salaries are paid	ib.
received by Clerks of Courts, to be accounted for with County Treasurer and half surplus above \$1000 to be paid over	399
to be tendered to witnesses when summoned	265
of Assessors of taxes	*472
of officers committing person for non payment of taxes	*500
of field driver and pound keeper	*567
Inspector General of Butter and lard	441
inspectors of pickled and smoked fish	*649
— of pot and pearl ashes and deputies	*652
— of hops	*654, 657
— of tobacco and onions	*661
— of stone lime and lime casks	*667
of cullers of staves, &c.—surveyors of boards, &c.	*679
Inspector of shooks	*681
Prover of fire arms	*685
measurers of wood, &c.	*682
FELONY, in what county indictable, in certain cases, where death happens persons convicted of part and acquitted of rest of certain offences, how sentenced	*266
when indicted for capital [See Crimes capital and Trials.]	ih.
FEMB SOLE, appointed co-executor, or guardian, to lose her authority by marriage	200, 216
Covert [See married women.]	
FENCES and general and common fields regulated	159
FENCE viewers, two or more to be chosen by towns annually	159, *459
legal, what shall be so considered	159, 160
partition to be maintained by occupants of adjoining enclosures	160
proceeding in case of neglect so to make	ib.
party neglecting, liable to pay double the adjudged value, and, after one month, 12 per cent interest	ib.

FENCE	viewers to assign in writing the shares of partition fence each party is to repair	160
	assignment so made, to be recorded—proceedings in case of refusal of either party to build or repair	161
	divisional, to be kept in good repair, unless otherwise agreed	ib.
	viewers to decide in writing how, or on which side of a stream a divisional fence shall be built	ib.
	proceedings in case of neglect to build accordingly	ib.
	where persons owning in severalty, have improved in common and one wishes to improve in severalty, what proceedings to be had	162
	partition to remain, where one party lays his land in common, on payment of value, by owner of adjoining enclosure	162
	when unimproved lands are enclosed, what proceedings to be had as to, viewer to be taken from each town, where town lines are boundaries	163
	water to be maintained equally, by parties; proceedings against neglect excepting as to house lots not exceeding half an acre	ib.
	viewers neglecting their duty, penalty	ib.
	general proprietors' proportion of, when determined, to be recorded	164
	— expenses of, to be borne in proportion to interest of proprietors around a common field belonging to any occupant, when deficient, what proceedings to be had	ib.
	round common fields, when blown down, what proceedings to be	165
	owner of land in general field may enclose it, at his own expense provided he maintain his share of the general fence	166
	expense of making—rocky and barren land to be excluded, in making estimate	170
	fronting on certain grounds, how long time required to justify their continuance when boundaries cannot be made certain	*523, 524
	on public landing places to be deemed nuisances	107
FERRIES	not to be kept unless by license from the Court of Sessions	*768
	keepers of, to give bond, keep good boats, attendants, &c. under penalty	*768, 769
	penalty for keeping, and demanding pay, without license	*769
	when established by Sessions, ferryman to be appointed by town, in case	ib.
	such ferryman to be licensed, and his fare fixed by Sessions	ib.
	penalty for his neglect	ib.
	between towns to be provided for by them, alternately, or jointly	*770
	may be guarded by order of Selectmen, to prevent spread of contagion	*557
FEVER MALIGNANT	[See contagious sickness and quarantine.]	
FIELD DRIVERS	to be chosen and sworn in towns annually	*566
	their duty, fees	567
FIELDS	general and common regulated	169
	where persons owning in severalty, have improved in common, and one wishes to occupy in severalty, what proceedings to be had	162
	where improved lands are enclosed, what proceedings to be had	ib.
	[See fences.]	
FINDER	of money, goods and strays, how to proceed therewith	*573
	[See Goods lost—and Strays]	
FINES	for witnesses refusing to appear, after being summoned	265
	and costs collected by officers, to be paid County Treasurer forthwith	372
	— collected by Justices of the Peace to be paid to county treasury semi-annually	372, 373
	— account of Sheriffs respecting, to be audited by Common Pleas in case	407
	— certificates of, to be returned to County Treasurer, by Clerks after rising of Courts	371
	and to Secretary and Treasurer of State within 50 days	406, 407
	imposed on towns for deficient roads, &c. to be expended in repairs by agent accountable to Court	*519
	— for neglect of schools, &c. how expended	*506
	[See penalties.]	
FIRE	insurance, against may be made by Marine Insurance Companies to certain extent	*612
	bon-fires, &c. not to be kindled in streets, near houses	*555
FIRE ARMS	how to be proved and marked, and certified	*685
	penalty for selling, not proved, counterfeiting marks,	*685, 686
FIRE PROOF BUILDINGS	&c. to be provided in each county for safe keeping of records, files, &c.	444
FIRE ENGINES	penalty for wantonly injuring	115
	engine men, &c. [See Engines.]	*561

- FIRE WARDS** may be shosen in each town in March, &c. annually *583
 penalty for refusing to serve as ib.
 duty at fires—staff or badge of office, &c. power to require assistance ib.
FIRES, when building is demolished to stop, owner to be indemnified *584
 punishment for concealing or embezzling or plundering goods at, ib.
FIRE WOOD, COAL, BARK, &c. frauds in, prevented [*See Fuel.*] *681
FISH, certain kinds, preservation of, provided for *772, 773, 774, 775
 shell, not to be taken, destroyed, &c. in certain cases, without permis-
 sion of Selectmen. *774
FISHERY, herring regulated [*See Herrings.*] *772
FISH, pickled, and smoked, packing and inspection of, regulated *641
 inspectors of, to be appointed in certain towns, by Governor, &c. ib.
 — to be sworn, give bonds, &c. and proceedings thereon *642
 pickled, quality and size of casks for packing [*Proviso as to kegs.*] ib.
 Salmon, shad, mackerel, &c. pickled—duty of inspectors as to pack-
 ing *643
 mode of branding when sorted, packed, &c. ib.
 damaged not to be exported, under penalty *644
 cod, haddock, &c. how to be packed, marked, &c. ib.
 small, whole, how to be packed, in what casks *645
 pickled or smoked not to be exported unless certificate of inspection
 be produced to the Collector of Customs ib.
 certificate to be sworn to before Collector *646
 alewives and herrings how salted, packed, &c. for exportation *643
 — how to be sorted in boxes, branded, &c. *645
 pickled or smoked, put on board vessel for exportation, not being in-
 spected, may be seized by warrant from Justice and held for trial *646
 — not to be sold in State, from other places, unless here inspected *647
 Inspector of, not to use his brand or permit it to be used unlawfully ib.
 pickled for home consumption, how to be packed *648
 exporter or purchaser, to pay for certificates ib.
 penalties for violations of provisions respecting inspection of, *644, 645, 647
 duty or excise to be paid by inspectors *649
 Inspector's fees ib.
FLAX SEED, exportation of, regulated *662, 663
 surveyors of, to be appointed by Governor and Council *662
 vessel having on board, not to be cleared before producing certificate
 of inspection *663
 found on board vessel for shipping, not inspected, liable to seizure, and
 how ib.
 penalties for violations of provisions for inspecting, &c. *664
FLOWING OF LANDS, by erecting mill dams, [*See mills.*] 172
FORCIBLE ENTRY AND DETAINER, form of writ, process, &c. therein 319, 320
 may be inquired into by two Justices, quorum unus 363
 mode of proceeding to summon jury, adverse party 363, 364
 jury in, how empannelled, sworn, form of verdict, &c. 363, 364, 365
 proceedings in, may be removed to Supreme Court, by certiorari 365
 process of, may issue against tenants holding over, &c. ib.
 not to issue against tenant, after 3 years quiet possession ib.
FOREMAN of grand jury may swear witnesses—attorney for government being
 present 384
 and traverse jury to be chosen by ballot ib.
FORFEITURES AND PENALTIES, may be recovered by action of debt or in-
 dictment [*See penalties, action, &c.*] 268
FORGERY AND COUNTERFEITING how punished 79—84
 of public records and certificates, private securities, &c. or uttering
 them as true, &c. how punished 79
 of bills of credit, bank bills, &c. 80
 aiding in altering or rendering current as true, such bills, &c. or posses-
 sing with intent to pass them as true, knowing to be false ib.
 uttering or tendering in payment false bills, notes, &c. knowingly ib.
 on second conviction, or three convictions of, at same term 81
 having or bringing into State, forged bills with intent to pass ib.
 in trials of, other evidence than that of President and Cashier may be
 admitted, in case, &c. ib.
 Certificate of Secretary or Treasurer of United States, or of any State
 may be admitted in trials 82
 engraving or making, or possessing plates for, with intent to use them
 &c. — punishment 82, 83
 of gold or silver coin, current within the State, and accessories 83

FORGERY, &c. bringing into State, or possessing therein false coin, with intent,	83
second conviction, or three convictions at same term	84
mending, making, or possessing mould, &c. for coining, &c.	ib.
rewards for prosecuting to conviction of, and how distributed	ib.
FOREIGN ATTACHMENT, persons or corporations entitled to process of, in cer-	
tain cases	286
form of process, mode of service, &c. in different cases	286, 309
lien on principal's goods in trustee's hands, created by service	286
writ to be returnable in county, where either of trustees dwells	286, 287
names of other trustees may be inserted, before service, on principal	287
action to be continued if principal be out of State, when sued	ib.
trustees having goods, &c. may defend, &c. for principal, in case	ib.
— if appearing at first term, disclose and discharged, to have costs	287, 289
— if living out of county, to have further compensation	287
— liable to costs if not appearing, &c. first term	288
— several dwelling in same county not appearing, &c. judgment to	
be against them for costs jointly	ib.
where plaintiff does not prevail, costs allowed to principal and trustees	ib.
where all trustees are discharged, plaintiff may proceed against prin-	
cipal, in case	ib.
trustee dwelling in other counties may appear by attorney, &c.	289
mode of examination thereon, before Judge, &c. in his own county	ib.
such examination filed in court, competent	ib.
— disclosing assignment, &c. assignee may be made party in case,	
&c. proceedings thereon, if assignee appear, or not	290
validity of assignment may in certain cases be tried by jury	ib.
in such trial original defendant may be witness for either party	290
appeal allowed in such cases	ib.
execution how to issue in certain cases	292, 290, 291
proceedings in scire facias against trustee, not exposing goods	291, 292
when trustee has been examined on original process, judgment in scire	
facias to be rendered on that disclosure	292
when on scire facias there are more than one defendant, Court may	
enter up joint or several judgment	ib.
goods taken on execution—to discharge trustee from principal	ib.
trustee in certain cases may plead general issue	ib.
wilful false swearing by trustee to be punished as perjury	ib.
offender also liable to pay plaintiff's demand and double costs	293
where trustee's contract is to deliver specific articles at a future day,	
he may deliver them to officer having execution	ib.
value of such articles how to be ascertained	ib.
to be sold by officer as other personal estate taken in execution	ib.
when part is sufficient, residue to be delivered principal	294
trustee in, dying before examination, his executor or administrator may	
be made party to suit	294
trustee, dying after examination and before final judgment executor or	
administrator answerable	ib.
not to extend to parties to negotiable securities	ib.
allowed to judgment creditors, releasing body of principal committed,	
within seven days after service of process	ib.
such discharge not to affect original judgment in case	295
FORFEITURE of personal property, for certain offences—mode of proceeding	
therein [See personal property.]	369
of bonds of Clerks and Registers—what shall be so adjudged	443
for violation of inspection laws [See Beef, Butter, Fish, Pot ashes, To-	
bacco, firewood, &c.]	
of paper not packed and marked according to law	*686, 687
FORNICATION, how punished	78
FORMS, OF WRITS &c. in civil process [See writs, forms of.]	301
subpoena for witnesses	319
warrant to summon jury in forcible entry and detainer	319
summons to party complained against, writ of restitution	320, 321
submission to reference, of demands before Justice	361
to be used in taking depositions, notices, &c.	399 to 391
of Assessors' warrants to Constables to collect taxes	*478, 479
of warrant of distress against deficient Constable, Collector &c. by Treas-	
urer,	*494
substance of, for county Treasurer's return of fines, costs &c. to Gover-	
nor and Council, annually	374
Coroner's warrant to take inquest on dead bodies	410
of verdict of jury of inquest	*812

FORMS, calendar of prisoners to be kept by gaoler, substance of	445, 446
Complaint against Assessors refusing to be sworn	*171
of oath to be administered to creditors by commissioners of insolvency	205
[See Oath.]	
FRANCHISES OF TURNPIKES, BRIDGES, &c. mode of attaching on mesne process	269
how to be sold on execution, notice, &c.	273
proceedings in such cases, where to be had	280
FRAUDS AND CHEATING, at common law, punishable in Supreme J. Court	86
FRAUD AND PERJURY, relating to deeds, contracts, &c. prevented	240
enumeration of promises on which no action at law can be sustained, unless reduced to writing	240
leases not in writing, to convey estates at will only	240
leases, estates, &c. not to be assigned, granted or surrendered, unless by written instrument, signed by party, or authorized agent	240
contract for sale of goods of thirty dollars value or more, not good, unless in writing, or partly executed	241
contract for sale of land, or interest therein, void if not in writing	240
contracts to charge executor or administrator out of his own estate, void, if not in writing	240
FREIGHTERS, how to be compensated in certain cases of embezzlement by master	92
bills for discovery may be filed by, in S. J. Court, proceedings	93
FUEL, firewood, coal, bark, &c. frauds in sale of, prevented	*681
measures of, to be appointed by Selectmen, when towns vote it necessary	*621
fees of measurers to be regulated by Selectmen	*682
to be forfeited, if offered for sale before measured	*683
cord wood brought by water, to be measured on wharf	*682
carter, driver, &c. to be furnished with ticket, unless	*683
[See Charcoal.]	
FUGITIVES FROM JUSTICE, agents to be appointed by Governor to receive them from executive of any other State	*458
to be sent by warrant from Governor, when demanded by executive of any other State	*458

G

GAMING, for money or other property, prohibited	96
securities given for money won by, void	ib.
real estate conveyed for debts by, to enure as if grantor were dead	ib.
loser of money by, may recover it back of winner	ib.
in certain cases, treble amount won, may be recovered by persons prosecuting	97
forfeitures of double amount won by, in certain cases	ib.
mode of conducting suits against winners by,	ib.
at cards, billiards, &c. at taverns prohibited	98, *587
debts of spendthrifts not to be paid by their guardians	229
GAOLERS, provision for and regulation of,	445
money to be raised by Court of Sessions for building and repairing under authority of Legislature	ib.
state of, and state of prisoners, to be inquired into, by Court of Sessions at every term	ib.
apartments in, separate from felons, to be provided for debtors	ib.
to be kept cleanly, and white washed in April or May, or oftener	447
to be used as houses of correction, until such are provided	451
keeper's compensation for support of poor debtors in close confinement	*538
escape happening through insufficiency of, Sheriff to be accountable	450
keeper, to receive and detain U. S. prisoners, committed by Judicial authority	451
liberty of yard in, allowed to prisoners for taxes	*499
[See Prisoners.]	
GAOLER to be appointed by Sheriff, and in certain cases to continue when Sheriff is removed	404
may be appointed by Governor, &c. when Sheriff's office is vacant	ib.
when so appointed, to give bond	ib.
to keep and preserve warrants, &c. and deliver them to successor	466
to band in list of prisoners at opening of Courts, with particulars	ib.
suffering voluntary escape of prisoners, how punished	448
negligent escape of	449

GAOLER violating provisions as to manner of keeping prisoners, penalty for and how recovered	448
compensation for keeping prisoners	438, *538
fees for receiving persons committed by town watch	*554
duty as to receiving principal when committed by bail	333
fees of,	438, *554
to keep account of proceeds of convicts' labour, &c. to report to Court of Sessions	119, 120
GAOL RULES [See <i>Convicts, also Prisoners.</i>]	
GOATS, &c. not allowed to go at large between April 1 and Nov 1.	*567
he, going at large between August 10 and Nov. 20, may be impounded	*568
GOODS and CHATTELS exempted from attachment and execution and distress	414
lost, and strays, &c. mode of proceeding by finder	*573, 574, 575
not to be sold at vendue without license	*590
[See <i>Vendue, &c.</i>]	
shipwrecked to be taken care of by commissioner of wrecks	90
[See <i>Commissioner of Wrecks.</i>]	
GOVERNOR to call out militia to suppress insurrections	95
his salary established	441
may offer a reward for apprehending prisoners escaped, or persons charged with high handed offences	*457
may appoint agent to demand fugitives from justice, to other States	*458
may issue warrant to deliver up fugitives from justice from other States	*458
and council may grant conditional pardons	123
to allow rewards to prosecutors for forgery, &c. in certain cases	84, 85
to appoint and commission ordained ministers of the gospel with powers to solemnize marriage	341
— Clerks of the Judicial Courts	398
— Sheriffs and Coroners	34
may appoint gaoler, when office of Sheriff is vacant.	404
to remove Sheriffs neglecting to pay executions against them	406
— Coroners — in like cases	409
to appoint commissioners of wrecks	88
— branch pilots, and decide on complaints against them	*770, 772
— commissioner of State Treasury, when office is vacant	*746
— agents for Penobscot and Passamaquoddy Indians	*766
— inspectors of beef and pork	*628
— butter and lard	*637
— pickled and smoked fish	*641
— pot and pearl ashes	*649
— hops for exportation	*653
— tobacco	*668
— lime in certain towns	*665
— nails	*669
— surveyors of flax seed	*662
— prover of fire arms	*635
GRAIN, toll for grinding at mills not to exceed 1-4 part thereof	178
GRANTS, to two or more, to be estates in common and not joint tenancy, unless of turnpike corporations, void if objects be not completed in 5 years	*608
to pious and charitable uses, may be made to deacons of churches	152
for the use of the ministry may be made to ministers, who may take and hold in succession	153
alienation of such property, how to be made	ib.
to children and grandchildren, in advancement of portion, to be estimated in division of estate, when intestate	211
GRANTOR refusing to acknowledge deed, what proceedings to be had	131
GUARDIANS to be appointed for minors interested, before order of partition, by Courts	136, 208
GUARDIANS to be appointed by Judge of Probate to minors under 14 years of age, and above that age by their choice	212
to give bond, to return inventory, render account, &c.	213
to return inventory within three months	ib.
choice of, may be certified by Justice, when minors live more than 10 miles from Probate office	ib.
executor or administrator not to be appointed, if interested in the same estate	213
may have action for damages against persons enticing or carrying away wards	103

GUARDIANS may in certain cases, with consent of Judge purchase her right or estate of tenant in dower, &c. for benefit of minors, having the right to the reversion or remainder	213
feme sole appointed as, to vacate her authority by marriage	216
to be appointed to persons non compos, lunatics, idiots, &c. if Selectmen by inquest, certify them incapable, and to give bond	214, 216
so appointed to return inventory, take care of their persons and estate, and support them	214
to collect and pay their debts previously contracted	215
apply to Courts for license to sell real estate, if necessary	ib.
and account with their wards if restored to reason, or otherwise with their heirs, if dead	ib.
to be appointed for spendthrifts, idlers, drunkards, &c.	ib.
mode of proceeding in such cases, by inquest of Selectmen	216
conveyances by spendthrifts after application for guardian, to be void if notice be filed in office of Register of Deeds	ib.
of spendthrifts, &c. subject to like duties as guardians to lunatics, idiots &c. and to give like bond	ib.
may be appointed for children of lunatics	215
may be dismissed by Judge of Probate, when necessary, and others appointed in their stead	217
not to transfer stocks, belonging to their wards without license from Judge of Probate	217
of persons living out, and having estate within the State, may be licensed to sell real estate, under restrictions	231
appointed by foreign Courts of Probate, what shall be evidence here, of their appointment	ib.
may adjourn time of sales of real estate not exceeding 14 days	232
of minors interested in mills, to be considered as owners for certain purposes	177
mode of obtaining license to sell part, or whole of real estate of their wards, whether minors, spendthrifts, lunatics, &c.	223, 228, 229, 230
notice to be given before sale, evidence of, how perpetuated	227, 230, 233
proceedings in suits on their bonds regulated	226, 224, 225
GUN POWDER , safe keeping of, provided for	112
regulations respecting, to be made and published by Selectmen	112, 114
penalty for violating such regulations, and how recovered and appropriated	ib.
may be seized and libelled, if kept contrary	113
Selectmen may enter buildings, &c. in search of suspected, &c.	114
persons injured by explosion of, illegally kept, may recover damages	113
GUNS [See fire arms.]	
GUIDE POSTS to be erected in towns and plantations, in places determined by Selectmen, &c. manner of construction	*526
record to be made of places determined by Selectmen	ib.
substitute for, may be agreed upon by towns	*527
penalty for neglect of towns or Selectmen, respecting	ib.
— for injuring or defacing	ib.
H	
HABEAS CORPUS , persons restrained, &c. entitled to writ of,	321
writ of, when and how granted by Supreme Judicial Court, or a Judge thereof, and how returnable	322
— not to be granted to persons committed for felonies; on execution, provided	ib.
— forms of, and by whom to be returned, and how	323 324
— return of officer thereon, truth of, may be inquired into	325
Court or Judge to examine, &c. within three days after return—and bail, remand or discharge as case may require	324
writ of, may be granted by Judge of Supreme Court or Common Pleas for minors enlisting into United States Army, without consent of parents, &c. proceedings thereupon	324, 325
penalty and punishment for disobeying, or making false return of,	ib.
prisoners may be removed by, from one county to another	325
persons discharged by, not to be again restrained for same cause	326
HARBOURS and shores not to be obstructed or injured	*764
[See ballast.]	
HAWKERS, PEDLERS, &c. [See Pedlers.]	*761
HAYWARDS , or field drivers, may be chosen by proprietors of common fields	168
[See Proprietors.]	

HEALTH COMMITTEE, or officer, may be chosen by towns annually	*560
may perform duties of Selectmen, &c. as to quarantine, in case	*564
[See contagious sickness.]	
HEIRS, conveyances by, not to prevent division of estate by order of Judge of Probate	204
alienage of, no impediment to receiving share of personal estate	211
division of real estate among, how made, by order of Judge of Probate	207
guardians to be appointed to minors interested, before division	208
to pay their proportion of expenses of division, how compelled	210
may have reversion of dower divided, and at what time	ib.
to give bond of indemnity to executors paying legacy, in certain cases	211
administrator paying distributive share	ib.
not barred of legacy, &c. by certain limitations of actions against executors	239
may join or sever in actions for inheritance descended from common ancestor	260
to refund for shares taken for debts of testator, in certain cases	141
to assign dower to widow within one month	149
to pay demands against deceased, after four years limitation, in certain cases	239
recovering estates from the State, to allow for improvements	188
how to proceed previous to suing probate bond for distributive share	225
[See Estates, Probate, &c.]	
HERRING, pickled and smoked, inspection of [See Fish.]	*641
HERRINGS not to be taken between March 1, and September 1	*772
nets for, size of, and mode of setting regulated	*773
not to be taken between sunset on Saturday and sunrise Monday	ib.
not to be taken by foreigners in our waters	ib.
not to be driven in night time with lamps, torches, &c.	ib.
penalties for offences against these provisions	*773
HIGHWAYS, laying out, amendment and repair, provisions for	*509
to be laid out by committee of Court of Sessions, after notice, adjudication, &c.	ib.
Committee on, to be sworn, give notice—estimate damages	*509, 510
persons dissatisfied with estimate of—may apply to Court for jury or new committee—proceedings thereupon	*510
locating to give owner of land time to take off wood	*511
wood, &c. forfeited, if not taken off within time	ib.
verdict of jury, or report of committee respecting damages, &c. to be final	ib.
persons injured by locating, may join or sever in complaint for damages	ib.
towns and corporations injured, &c. may have same remedy as individuals	*511, 512
damages, &c. to be settled by one jury, in case of opposite complaints	*512
payment of damages when assessed, &c. how compelled	*512
for use of towns, may be laid out by Selectmen—subject to approval of towns	ib.
damages in such cases, may be settled by agreement between party injured and Selectmen or by jury or committee	*513
Selectmen refusing to lay out such, what proceedings to be had	513
towns refusing to approve such, what proceedings	ib.
towns may alter or discontinue such, in certain cases	*512
reasonable time for opening, not exceeding twelve months, to be allowed by Sessions	*514
towns neglecting to open, what proceedings to be had	ib.
to be kept in repair, and surveyors of, to be annually chosen	ib.
Surveyors of, to have limits assigned them by Selectmen	ib.
money for repairing to be raised and assessed by towns, when and how to be expended	*515
Surveyor of, to notify those in his district when to work	ib.
to cause roads to be cleared, when obstructed by snow	ib.
to repair bridges suddenly injured	ib.
to account with Assessors at end of his term	*516
persons deficient in payment to, their taxes to be inserted in next year's assessment	ib.
power in removing obstructions, obtaining materials, &c.	ib.
when sum assessed for repairs is insufficient	ib.

- HIGHWAYS**, surveyor of, may be authorized by towns to make contracts for repair, and to collect taxes *517
- warrants of distress therefor may be executed by, or Collector of taxes ib.
 - money unexpended by, to be paid into town treasury ib.
 - neglecting to pay surplus, and exhibit his rate bill—penalty ib.
 - persons injured by bad, defective, unrepared, &c. may have action
 - for damages against county, town or person *518
 - when life is lost by defects, &c. of—penalty against county, town, &c. ib.
 - surveyor of, liable to town, when fined for deficiency, in case ib.
 - money for making, &c. how raised and assessed *515, 519
 - fines imposed for deficiency, &c. to be expended in repairing, &c. under direction of agents appointed by and accountable to Courts 519
 - plantations to have same powers and liabilities as towns, in regard to, and subject to like proceedings against them ib.
 - through unincorporated places, &c. to be made at expense of proprietors, unless Court of Sessions deem it unreasonable—proceedings *520
 - proviso as to ministerial and school lots, not to be taxed ib.
 - application for laying out, in such cases, to be made to Court of Sessions—notice to be given ib.
 - Court to lay out road, assess lands, &c. *521
 - mode of assessing and collecting tax for laying out ib.
 - repairing such—what proceedings to be had therein *522
 - proprietors may call meetings, raise money, &c. ib.
 - nuisances in, may be removed by any person ib.
 - persons aggrieved by removal of gates, bars, &c. may complain to Court of Sessions ib.
 - surveyors of, to remove obstructions ib.
 - obstructing by logs, timber, &c. penalty for *523
 - proviso as to fences to prevent spread of contagious disorders ib.
 - buildings, &c. when adjudged nuisances how to be removed ib.
 - buildings, fences, &c. fronting on public grounds, whose breadth of—cannot be ascertained—to be considered true bounds, after 40 years standing, in other cases 60 years prescription necessary to justify fence 523, *524
 - may be dug up to lay aqueducts, by permission of Selectmen *615
 - jury for damages in laying out, how far to try title to real estate, when in question *511
 - how selected, empannelled, &c. *510, 512
 - riding in, with naked scythes, prohibited *554
 - imagery or pageantry in, for public shows by night prohibited *554, 555
 - bon-fires in, within ten rods of buildings, prohibited *555
- HOG-REEVES**, [See town meetings.]
- HOGSHEAD SHOOKS** [See shocks.] size and quality regulated *679
- HOGS LARD**, inspection of, regulated [See Butter and Lard.] *637
- HOOPS**, survey and inspection of, regulated [See Lumber.] *676
- HOPS**, for exportation, regulations for inspection *653
- Inspector to be appointed, under bonds, oath, &c. and to have deputies ib.
 - powers and duties of Inspector and deputies *653, 654, 655
 - not to be shipped without inspection—certificate *654
 - certificate of inspection to be required by Collector or master before clearance ib.
 - penalties and forfeitures for violation of provisions relating to inspection *655, 656
- HORSES, CATTLE**, &c. cruelty to, how punished 59, 60
- not to go at large, if ungelded, and may be impounded *568
 - not to be impounded if owner be unknown *5 7
 - taken up as strays may be appraised, sold, &c. after two months, in case *574
 - not to be taken up as strays, between April 15 and Nov. 1, unless *575
- HOSPITAL** for inoculation of small pox not to be erected without license *564
- nor within 100 rods of dwelling house, without consent ib.
- HOUSE OF CORRECTION** to be provided by Court of Sessions, in each county 451
- common prisons to be used as, until provided 451
 - master and regulations to be appointed by Court of Sessions 451
 - overseers to be appointed by Court of Sessions, with powers 452
 - accounts and register to be examined by Court of Sessions ib.
 - rogues, vagabonds, idlers, &c. may be sent to—and how 453
 - lunatics and dangerous persons may be sent to, by two Justices q. u. 453
 - convicted persons may be confined in, by sentence of Courts ib.
 - Courts may sentence to, conditionally, on payment of fine and costs ib.
 - expenses of, materials for work, profits of labour, rules for conducting, to be provided for under direction of Court of Sessions 454

HOUSE of correction master's power, compensation, accounts, &c. how settled	454, 455
remedy against parents, kindred, &c. of persons committed	455
discharge from, how to be obtained	456
persons keeping houses of prostitution may be committed to,	*536
HUSBAND, when entitled to estate, &c. as tenant by the curtesy	143
of intestate entitled to whole of personal estate	ib.
deserting, neglecting, or ill treating his wife, she may be divorced	345
from bed and board	345

I

IDIOTS, LUNATICS, NON COMPOS, &c. to have guardians appointed, if on	
inquest of Selectmen adjudged incapable	214
their estates to be managed and themselves supported, by guardians	ib.
proceedings in Probate Court against persons embezzling their property	ib.
debts, to be collected and paid by their guardians	215
their children to have guardians appointed by Judge of Probate	215
estate of, may be sold in whole or part, when necessary, under license	
of Courts [See Guardians.]	ib.
IDLERS, SPENDTHRIFTS, &c. to have guardians appointed, in case	ib.
to be sent to the house of correction, or work house	*547, 549
vagrabonds, &c. may be sent to house of correction	452
IMPOTENCY, cause of divorce from bond of matrimony	344
IMPOUNDING beasts going at large, breaking closes, &c.	312, *566
[See Pounds.]	
IMPRISONMENT solitary [See convicts.]	
IMPROVEMENT and possession of real estate, what shall constitute, in certain	
cases	183, 297
INCENDIARIES and malicious mischief, punishment of	58
burning dwelling houses by night, or day, or being accessory	ib.
public buildings, stores, barns, &c. or vessels, day or night	58, 59
accessories before the fact, punishment of	59
burning corn, hay, fences, &c. or wilfully setting fire to woods	59, 60
INCOME of real estate in hands of executor, or administrator, how appraised	202
INCOMPATIBILITY of offices	26, 33, 34, 36, 38, 40, 421
INCORPORATED COMPANIES. [See Companies.]	
INDENTURE OF APPRENTICES, how to be executed, effect of covenants	
therein	*759, 533, 534
when and how parties to, may be discharged	*534, 535, 760
[See Apprentices.]	
INDIANS, Penobscot and Passamaquoddy tribes, regulation of,	*766
agents for, to be appointed by Governor, with powers, duties, &c.	*766, 767
contracts by, respecting lands, void, unless approved by agents	*767
lease of lands by, to operate for one year only	ib.
agents of, not to sell timber, &c. exceeding \$500 annually	ib.
may maintain actions in their own names for Indian debts	ib.
to keep records and accounts of their proceedings	*768
INDICTMENT, copy of, to be furnished party accused, on demand, and	22
if for treason, 2 days before arraigned	51
charges for murder of bastard, concealing pregnancy, and delivery in	
secret, and concealing death, may be joined in same	56
penalties and forfeitures, may in certain cases be recovered by	263
for felony—persons may be acquitted of part, and convicted of residue in	266
for murder to be found in county, where death happens	ib.
for felony—persons under, to be bailed or tried at second term	267
against persons for capital crimes—standing mute how tried	266
for capital offences—defendants right to challenge regulated	ib.
may be prosecuted against accessory, in certain cases, though principal	
not be prosecuted or convicted	68
INDIGENT and idle persons, may be sent to work houses, and how	*547, 549
INDORSERS of writs [See Endorsers and Endorsement.]	
INFANTS OR MINORS, not allowed to devise lands [See Wills.]	137
INFECTIOUS DISEASES, provisions against spread of, [See Contagious Sickness.]	556
INFORMATIONS and actions on penal statutes, qui tam, or for State, to be brought	
and tried in county where offence was committed	267
defendant in, may plead general issue, and give special matter in	
evidence	ib.
INFORMERS and PROSECUTORS of forgery and other crimes, to be rewarded	
and how	84, 69
when more than one in same case, reward to be divided	85
[See Courts, &c.]	

INHABITANTS OF TOWNS, a body politic, with powers	*463
competent witnesses, although their towns are interested	395
INHABITANCY, SETTLEMENT, &c. [<i>See Poor.</i>]	
INNHOLDERS, to be licensed by Selectmen in Sept. annually	*586
duty to be paid for license, and how appropriated	*543, 586
record of licenses to, being made by town Clerk, to be returned to Court of Common Pleas	*586
licenses to, may be granted at other times than September on condition	ib.
[<i>See licenses.</i>]	
not to sell without a license, under penalty	*585
to be suitably provided, &c. to have signs	*587
not to keep billiard tables, nor suffer gaming in their houses	98, *587
not to suffer riots, disorders, excessive drinking	*588
common tipplers to be posted in houses of, by Selectmen	ib.
not to trust such drunkards, &c. while posted	*589
not to suffer drinking, play, &c. on Lord's day, in their houses	74
INLAND BILLS OF EXCHANGE, damages on regulated	395, 396
INOCULATION for kine pock, to be provided for by towns and plantations	*555
superintendants to be chosen by towns and plantations for,	ib.
INQUEST by Coroners, in view of violent or casual deaths	409, 410
manner and form of proceedings [<i>See Coroner.</i>]	410
INQUEST of Selectmen, on persons non compos, idiots, &c. for guardianship	214
— on idlers, spendthrifts, drunkards, &c. for do.	216
INQUEST of office to revert real estate in the State, or entitle State thereto	184
in what county information to be filed by Attorney General in Supreme J. Court, in certain cases	184, 186
information to state the grant, conditions, breaches, &c.	184
scire facias how to issue, be served, &c.	184, 185
proceedings on appearance of adverse party, plea of disclaimer, judgment	185
if judgment be, that defendant holds more land than he is entitled to,	
Court may assign true quantity	ib.
location how made and confirmed by Court	186
proceedings in other cases of, mode of trial	ib.
to recover lands accruing to State for want of heirs, how to be prosecuted by Attorney General	137
defendant not to avail himself of alien's title, unless he be his agent, or tenant	187
defendant to recover costs, if on trial he prove himself agent	ib.
proceedings, in case of title or privy acquired, &c. after service	ib.
State to be deemed in actual possession immediately on judgment of re seizure	ib.
such judgment, to conclude all parties	188
if after estate becomes seized for want of heirs, owner appear and recover estate, the premises liable for improvements	ib.
such sums to be settled by bill in equity in Supreme J. Court	ib.
INSANE PERSONS, acquitted on trial in Supreme Court, on that ground, to be committed until restored to reason, and at whose expense	252
when so committed may be discharged by Judge of Supreme J. Court	
or two Justices quorum unus, when it can be with safety	253
or may be committed to the custody of their friends, giving bond	ib.
to have guardians appointed, and how	214
[<i>See Guardians, Probate, &c.</i>]	
Constables and Collectors becoming so, what proceedings	*490
[<i>See taxes, &c.</i>]	
INSOLVENT ESTATES [<i>See Estates Insolvent.</i>]	
INSPECTOR GENERAL of Beef and Pork, and his deputies, powers and duties	*628
INSPECTORS of butter and lard	*637
— boats and lighters	*763
— hops	*653
— flaxseed	*662
— lime	*664
— nails	*669
— pot and pearl ashes	*649
— tobacco, &c.	*658
— fish, pickled and smoked	*641
— lumber	*674
INSPECTORS to make annual returns to Secretary of State, and how	[<i>See the several articles, Beef, Butter, Lime, Nails, &c.</i>]
INSPECTION [<i>See Beef, Butter, Pot and Pearl Ashes, Fish, &c.</i>]	
INSTRUMENTS for forgery, penalty for possessing, with intent to use	
[<i>See forgery, &c.</i>]	

INSURANCE COMPANIES, powers restrictions, &c. of	*609
adjustment of losses by directors of, binding on company	ib.
dividends of profits, how and on what principles to be made	ib.
responsibility of stockholders for losses	ib.
subsequent dividend not to be made until	ib.
not to engage in trade	*610
stock, how to be invested	ib.
may loan on bottomry and respondentia to certain extent	ib.
such loans to be laid before stockholders	ib.
in certain cases may loan for security on real estate to extent of 2-3 capital stock	ib.
directors of, liable in certain cases for losses jointly and severally	*611
President and Directors to publish amount of stock, &c. annually in newspapers	ib.
not to take, on one risk, more than 10 per cent. of capital	ib.
to make statement of affairs, &c. to Legislature when required	ib.
not to be incorporated with capital less than \$100,000	*611
individual stockholders liable in certain cases	ib.
may insure against fire, &c. to amount of 10 per cent. on capital	*612
stockholders meeting, how called	ib.
INSURRECTION, Governor may call out Militia to suppress	96
INTEMPERATE persons to have guardians appointed in case	216
to be posted by Selectmen, and not allowed spirits by innholders	*589
paupers how punished	*544
[See Drunkards, Spendthrifts &c.]	
INTEREST allowed in actions of debt on judgment, on damages and costs	264
how to be cast in replevin cases [See replevin.]	367
INTESTATE, estates [See estates intestate.]	
INVENTORY of estates of persons deceased and under guardianship, when to be taken	193, 213
[See Probate, Estates, Guardians, &c.]	
ISSUE, general accounts filed in offset to be given in evidence under	260
special matter may be given in evidence under, by Justices, Coroners, Sheriffs and civil and military officers, filing statement	261
and by defendant in informations, actions, &c. on penal estates	
qui tam	267, 268
under adita querela	328
in all actions before Justice of Peace, except title to real estate	
in trespass	357
in trials for nuisances, before two Justices	111
by executors, administrators and guardians	238
by trustees in foreign attachment in certain cases	292
by persons prosecuted under dog act	766
J	
JOINT CONTRACTS, goods and estate of deceased debtor on, liable in same manner as if joint and several	238
JOINT TENANTS not to commit waste	128
may be compelled to divide	134
JOINT TENANCY, not to be created by grants devisees, &c. unless clearly expressed or designed, but to be tenancy in common	123
JUDGES OF PROBATE [See Probate, &c.]	
salaries of, in several counties	441
JUDGMENT on mortgages to be conditional [See mortgages.]	146
for redemption and execution how to be awarded	ib.
on Probate bonds, where principal is not summoned, not to be rendered first term	224
manner and form, on probate bonds, of executor and administrator and guardians	225, 226
on actions appealed where parties die before sitting of Court appealed to	237
on actions in Supreme Court continued nisi, how rendered, in case	245
in actions of account, when defendant refuses to appear before auditors, how	261
of foreign Courts to be certified according to Acts of Congress	264
against trustees in foreign attachment how rendered in certain cases	288
by Justices of the Peace in civil actions	355
on report of referees under submission before Justice to be final	363

JUDGMENT on bonds, recognisances, &c. forfeited, how rendered	190
on bonds of Inspectors of stone lime, how rendered [See Lime.]	*668
on demurrer, abatement, &c. may be appealed from	265
not vacated—by debtors being discharged from gaol in certain cases	*538
arrested, reversed, &c. new action brought within one year, avoids statute of limitations	298
[See Courts, Action, Justices, Review, Replevin, Forcible Entry, Foreign Attachment, &c.]	
JUDICIAL COURTS	
JUDICIAL PROCESS and proceedings	[See Courts, Action Review, Service, &c.]
JUDICIARY	
JURISDICTION [See Courts, Justices of Peace, &c.]	
JURORS—selection, empannelling and service of, regulated	378
box for, to be provided by Selectmen, kept by town clerk	ib.
list to be prepared, and revised once in three years	ib.
number liable to be drawn in each town, not less than one nor more than two for the hundred inhabitants, by census	379
names of persons grossly immoral, &c. to be withdrawn from the box districts for selection, to be formed by Courts of Sess. in the counties	ib.
how to be apportioned by Clerks of Courts among the districts	ib.
grand, at the Com. Pleas, to serve during the year	380
venires for, when to issue, how to be distributed and served	ib.
how drawn by town Clerk, tickets marked, &c.	380, 381
how to be notified by constable, &c.	381
persons exempted from serving as—	378, *585
grand or traverse, when deficient, how supplied	381
may be examined on oath as to their interest	382
grand and traverse, alphabetical list of, to be prepared by Clerks of Courts on return of venires, how empannelled	ib.
grand, oath of,	383
traverse, oath of, in civil and criminal cases	ib.
foreman of, to be elected by ballot	384
foreman of grand, may swear witnesses in presence of Att'y for State	384
provisional may be drawn in certain cases, if required	384, 385
— how notified, when first set are excused	385
not be entertained or treated by party prevailing	386
in trials relating to real estate, may be directed by Court to view premises, on conditions.	ib.
grand and traverse, powers and duties of,	385
compensation for travel and attendance of,	387
fees received for, by county Treasurer, to be credited, &c.	375
town meetings for choice and selection of, how notified by Constable	386
penalties for neglect of duty in issuing venires, drawing, notifying, &c. how recovered	387, 388
JURY, how selected, to estimate damages for flowing lands, by mills	173
to estimate value of land and improvements in certain real actions	179
who shall not be allowed to sit on, in such actions	183
in cases of forcible entry and detainer, how summoned, empannelled, verdict of,	363, 364, 365
in cases of nuisance on complaint to two Justices, q. u. how summoned	107
JURY GRAND to inquire into offences against provisions respecting prisons	446
— and school regulations	*506
when they find no bill, on ground of insanity, to certify the same to the Court	253
traverse, when they find not guilty, on same ground, so to certify	ib.
for estimating damages on laying out highways, how selected	*510, 512
in such cases, how far to inquire into title to real estate	*511
JURY of not less than nine to be summoned by Coroners to take inquest of violent and casual deaths	409
how empannelled, charged, &c. by Coroner, forms of verdict	410, 411
JURY, copy of the panel of, to be delivered to persons indicted for treason or misprision of treason	52
not more than twenty to be peremptorily challenged, in capital cases	266
JUSTICES OF THE PEACE, power and jurisdiction in criminal cases	352
may punish by fine not exceeding \$5, assaults	352
jurisdiction as to assaults not of a high and aggravated nature	352
— larcenies not exceeding \$5, value	63
— cruelty to horses and cattle	60
— breaches of Sunday Act	73
— profane swearing	72

JWS. OF THE PEACE, jurisdiction as to gunpowder seized as liable to forfeiture	113
— firing crackers, squibs, &c. without license	115
— breaches of bye-laws of towns	353
to examine all charges of crimes and misdemeanors against State, and commit, or bind over to proper Court for trial	352, 353
sentence of, on conviction, may be appealed from, to Common Pleas	353
to require recognisance of persons appealing	ib.
may require assistance of officers at riots, affrays, &c.	354
in their own view, in absence of officers, may require any person to seize offenders	ib.
being known, or declared, ignorance no excuse for disobeying	ib.
may grant subpoenas for witnesses in criminal cases, but not on account of State, unless at the request of attorney for the State; except in cases before himself	354, 355, 371
to account annually to State, county and town Treasury for fines	355
may issue warrant to seize beef, and pork not inspected, attempted to be exported, &c. contrary to inspection laws	*634
— to seize butter and lard in like cases	*640
— fish pickled or smoked	*646
— tobacco	*660
— flaxseed	*663
— nails	*671
may issue warrant for sale of beasts impounded in case	*570
— to appraise damage done by	*571
may order baggage, &c. suspected of infection, to be removed, guarded	*558
may issue warrant to apprehend pedlers, &c. not licensed	*762
may take examination, &c. of woman, having or being pregnant with bastard child	347
to require bond of accused, in case, &c. to answer complaint of mother, at next Common Pleas	348
in one county, may issue warrant on examination taken in another jurisdiction in civil actions, to amount of \$20, or where ad damnum does not exceed that sum, excepting title to real estate	355, 356
process in such cases, how conducted to final judgment	356
execution when and how awarded, returnable, &c.	270, 307, 356
appeal allowed to Common Pleas, appellant to recognise when defendant in action of trespass, pleads title to real estate he must recognise to carry case to Common Pleas	357
if defendant fail so to do, plaintiff to have judgment for damages	ib.
under general issue, in actions before, special matter may be given in evidence, except title to real estate	ib.
may grant subpoenas for witnesses in civil actions before any tribunal	ib.
may adjourn their Courts by proclamation	ib.
not to counsel or advise parties in suits before them	ib.
in actions of waste, by executor, &c. to proceed as Common Pleas, in like cases	ib.
to keep records of their proceedings	358
dying before judgment satisfied, what proceedings	ib.
appeal allowed from such proceedings	ib.
to summon persons having possession of deceased Justices' records when complaint is made	358
to transcribe such record when produced into his own	ib.
where their commissions expire before judgment, may proceed under new commission to render judgment if seasonably obtained	359
may take recognisances for debt, keep record, issue execution thereon	359
may issue execution on such recognisances within three years, and renew within one year	360, 361
may take submission of demands in dispute, to reference, by agreement of parties	361
mode of taking depositions by, notice to be given	388 to 391
[See Depositions.]	
not to hear or try an action commenced by himself or under his direction	398
may commit to house of correction, persons keeping houses of ill fame	*536
may commit rogues, vagabonds, idlers, &c. to house of correction	452
jurisdiction as to libels to recover forfeitures of personal property	370
may solemnize marriages, keep record thereof and make return to Clerk of town or plantation annually	341, 342
may commit principal surrendered by his bail	335
form of mittimus in such cases	ib.

JUS. OF PEACE to note in margin of execution against principal, name of bail	382
may issue attachment against witnesses refusing to attend when summoned, &c. in civil causes—and punish	265
not to purchase notes, accounts, &c. for collection	100
not bound to plead specially in actions brought against them for misfeasance	261
to certify to Judge of Probate choice of guardian by minors living more than ten miles from Probate office	213
to issue warrants for meeting of proprietors of lands, wharves, in common	154
to receive and try complaints for removal of paupers to place of settlement—form of judgment, warrant of removal	*539 to 541
in concurrence with Selectmen, may establish town watch	*552, 553
may call meetings of parish or religious society, in case	*592, 593
— — — proprietors of aqueducts to organize	*613
— — — Social, Law, and Military Libraries	*617
may swear appraisers	209
may summon grantor, and take acknowledgment of deeds	131
may swear officers of proprietories	157
to have jurisdiction of certain trespasses, <i>criminaliter</i>	124
may call meetings of proprietors of common and general fields	166
may issue warrants to apprehend absconding apprentices	*535; 761
may issue warrant to appraise goods lost and stray beasts	574
may swear town officers, and give certificate to be filed with town Clerk	*460
may call town meetings in certain cases	*462
in actions of replevin, when value, &c. is above 20 dollars to recognize defendant, to carry suit to Com. Pleas, or S. J. Court	367
may swear appraisers to set off real estate on execution	231
JUSTICES OF THE PEACE, QUORUM UNUS , two may inquire into nuisances	107
manner and form of proceeding, by jury	107 to 110
their fees in such cases how taxed and allowed	112
appeal allowed to S. J. Court	111
two, may discharge insane persons from gaol in case	253
— and may commit such persons to custody of their friends, on bond being given	ib.
— may inquire and determine, when banns of matrimony are forbidden	342
— may inquire into cases of forcible entry and detainer	363
— may take depositions in perpetuam	392
— may send lunatics, &c. to house of correction	453
[See <i>Nuisance, Marriage, Forcible Entry and Detainer, Depositions.</i>]	
JUSTICES OF THE PEACE , two, with Selectmen to assign places for noxious trades	105
two, may, by warrant remove persons infected with contagious diseases and impress lodgings	*558
three, may liquidate sum due on redemption, where execution has been extended on rents and profits	282, 283
duties or excise to be paid by, to county or State Treasurer	425
JUSTICES OF THE PEACE AND QUORUM , two, may admit to bail persons committed, on bailable offences	336
JUSTICES OF THE PEACE through the State, may call meetings of proprietors of lands, &c. in common	154

K

KINDRED , degrees of to be computed according to the rules of the civil law collateral, claiming through nearest ancestor to be preferred, &c. in computing heir ship	142
of paupers, in certain cases, may be compelled to contribute for their support	ib.
KINE POCK , inoculation provided for, in towns and plantations	*532
superintendants to be chosen, funds raised by towns	ib.

L

LANDS liable for payment of debts [See <i>Estates, Execution, &c.</i>]	
unimproved and non resident, how sold for payment of taxes	*521, 485
of husband, when libel for divorce is filed against, held to answer decree, in case	346

LANDS, lots of, reserved for public uses, how to be located	151
to be located by order of Courts, when proprietors neglect	ib.
reserved for use of first settled minister, not to be taxed for highways	*520
improvements, betterments, &c. [See <i>real actions</i> .]	
wharves, &c. held in common, how to be managed [See <i>Proprietors</i> .]	154
set off on execution to executors, administrators, &c. or recovered on	
mortgages to enure to what uses	234
[See <i>Estates, Fraud, Partition, Entailment, Probate &c.</i>]	
LARD, inspection of regulated [See <i>Butter and Lard</i> .]	*637
LARCENIES, how punished, prevented, &c.	63
what Courts to have jurisdiction of	63
simple and accessories thereto before the fact, how punished	64
on second conviction, as principal or accessory	ib.
breaking and entering shop, ware house or office, in night time and com-	
mitting, or aiding and abetting	65
entering a dwelling house, &c. by <i>night without</i> breaking, or <i>by day</i>	
<i>with</i> breaking, with felonious intent	ib.
committed in dwelling house, shop, office, &c. in day time	ib.
— by breaking and entering <i>by night</i> , church, store, barn, or	
other public building, &c. with intent	ib.
assaults with intent to commit	67
accessaries to, after the fact	ib.
from the person, other than robbery	ib.
accessaries to, may be prosecuted for misdemeanor, before prosecution	
or conviction of principals	63
receiver of stolen goods, on first, second conviction, &c.	ib.
prosecutor of, may be allowed reasonable compensation	69
goods found upon persons accused of, to be secured by Sheriff	ib.
convicts of, may in certain cases be exempted by Court from hard labour	ib.
— sentenced to hard labour, may be in certain cases charged	
with value of goods stolen if not restored	70
goods stolen, to be restored by Sheriff to owner, in case of conviction	ib.
plundering, secreting goods, &c. at fires to be punished as	*584
convicts of, may in certain cases, be disposed of in service	70
LASCIVIOUS COHABITATION, how punished	78
LAWS of Massachusetts Province and State, sundry repealed as to Maine	*775
LAW LIBRARIES, how established, regulated, &c.	*617
LEASE, PAROL, &c. to have effect of estates at will only [See <i>Fraud</i> .]	240
estates not to be assigned, granted, &c. unless by written instrument,	
signed	ib.
of freehold, or for term of years exceeding seven, to be signed, sealed,	
acknowledged and recorded, to be valid	240, 130
LEATHER, manufacture of, regulated	*684
sealers of, to be chosen by towns in March or April	*459
LEGACIES to witnesses of wills to be void, and legatees to be competent witnesses	
to prove such wills	139
[See <i>Wills</i> .]	
limitations of demands against executors, not to include	239
LEGATEES, and devisees to refund to posthumous children	141
and heirs to make contribution when portions are taken by execution	ib.
not to be barred by limitation of demands against executor	239
may sue at common law and recover legacies	212
to give bond of indemnity to executor before payment, in case	211
LEGISLATURE may dissolve turnpike corporations, in certain cases	*608
— require insurance companies to make statement of affairs	*611
— allow accounts of Overseers of work houses, in certain cases	*550
LEWDNESS and LASCIVIOUSNESS, how punished	78
LIABILITY of owners of vessels, for embezzlement by master or mariners	92
of stockholders of insurance companies in certain cases	*609
of directors and individuals in private capacity in certain cases	*611
of banking corporations, in certain cases	*625
[See <i>Banks, and Insurance Companies</i> .]	
LIBEL, remedy by, to recover forfeitures	113, 369
for divorce, how filed, proceedings thereon [See <i>Divorce</i> .]	344
LIBERTY, personal of citizens, provision for further protection of	102, 321
of gaol yard allowed to prisoners for taxes	*499
[See <i>Habeas Corpus</i> .]	
LIBRARIES, social, military and law, provisions for management of	*617—619
proprietors of, may meet and establish rules, laws, &c.	*617, 618, 619
meeting may be called by warrant from Justice	*617

LIBRARIES may hold estate not exceeding \$500	*617
name to be assumed, by,	*618, 619
LICENSE TO RETAILERS, INNHOLDERS, VICTUALLERS, &c. to be granted by Selectmen, town Clerk &c. of towns: Assessors of plantations	*585, 586
money received for, to be paid into treas'y of towns, for support of poor	*543
time for granting to be in September annually	*586
may be granted at other times, on conditions	ib.
to be recorded by Clerk, and list returned to Clerk of Com. Pleas	ib.
duty to be paid, and time of duration of	ib.
not to be granted to persons violating provisions, respecting credit to College students	*748
penalty for retailing without	*586
to be granted by Sessions to tin peddlers, in certain cases	*762
duty to be paid in such cases	ib.
may be granted by Sessions to keep ferries	*768, 769
may be granted by Selectmen to auctioneers	*590
LICENSE, for sale of real estate by executors, administrators and guardians [See <i>Probate, Estate, Executor, Administrator and Guardian.</i>]	
— not to be granted if heirs, &c. give bond to pay debts	228
— to be in force for one year from time of granting	232
— action by heirs, &c. to defeat sale under, limited to 5 years, excepting as to minors	ib.
LICENSED HOUSES to be suitably provided, &c. to have signs	*587
not to have gaming apparatus kept therein, nor gaming allowed	ib.
keepers, not to suffer riot, disturbance or excessive drinking therein	*588
common drunkards when posted in, not to be allowed spirits	*588, 589
keepers of, not allow dancing, sports, &c. in their house Saturday and Sunday evenings	75
LIEN of mechanics and others on buildings erected repaired, &c. by them how secured, in case of written contract	*755
on land of husband when libel for divorce is filed by wife, in case	346
of attorneys on bills of costs for fees, in certain cases	270
of State on lands of persons under recognisance	339
on real estate for judgment in certain real actions	180
LIGHTERS, boats employed in transporting stone, sand, &c. to be marked by inspectors [See <i>Boats.</i>]	*763
LIME and LIME CASKS manufacture and inspection of regulated quality and size of casks and lime to be shipped, how branded	*664
inspectors of, how to be appointed in different towns	*665
duties, compensation, liabilities, oath, bond, &c.	*665, 666
penalties for fraud evasion, or violation of inspection laws	666, 667
remedy on inspectors' bonds, for injuries, damage, &c.	*667
limitations and restrictions as to operation, on previous contracts	*668
LIMITATION of actions real and personal and writs of error	*669
of writs of right to thirty years	295
— ancestral, or possessory actions to twenty five years	ib.
— action on demandants own seizen to twenty years	ib.
— formedons, and right of entry, to twenty years, except as to infants, femes covert	296
of possession, beyond which, tenant if entered upon, may recover value of improvement, &c. of lands	ib.
of personal actions	ib.
exception as to infants, femes covert, &c. and judgment reversed, action lost by error or accident	297
what shall be equivalent to commencement, to avoid	298, 299
how to apply in case of death of debtor and suit might have been brought within thirty days next preceding	298
how to be applied to accounts filed in offset	299
not to apply to actions on cash notes witnessed, when brought by promisee, his executor or administrators	300
of actions on penal statute, with proviso	298
of writs of error, except as to femes covert, infants, &c.	300
of actions against Sheriff for misconduct of deputies	ib.
— by heirs, &c. to defeat sales under license of Court to 5 years, minors excepted	301
— against executors, administrators	232
such limitation not to extend to legatees, devisees, &c.	239, 239
to extend to actions or demands on covenants, contracts, &c. falling due after expiration of 4 years from death, unless	239
of time for granting administration originally, or de bonis non	201
of time for granting appeals from Probate Court, by Supreme J. Court	222

LIMITATION of duration of license to sell real estate by executor, adm'r	232
of petitions for review	248
for leave to enter complaint, appeal &c.	249
of petitions for leave to prosecute suits against insolvent estates, after right lost in certain cases	251
as to complaints for increase of damages for flowing lands by mill dams in certain cases	176
of actions for penalties incurred by violations of provisions in jury law	388
of prosecutions for taking unlawful fees	440
of suits against bail in civil actions	336
of accounts against the State on criminal bills of costs	375
of actions against proprietors of common lands, in certain cases	158
— for support of paupers	*537
of prosecutions for treason	52
— for profane cursing and swearing	73
— violation of Lords' day	73
— for certain trespasses	126
of action against Selectmen for penalty incurred by Selectmen for not perambulating towns	*464
— for penalty incurred by horses, cattle, &c. going at large	"568
LIST OF VOTERS to be prepared, revised, &c. by Assessors	*465, 468
LIST OF PRISONERS to be presented Courts at opening by Sheriff	446
LIVERY STABLES , places for keeping, to be determined by Selectmen	*585
LOANS on bottomry and respondentia by Insurance Companies, authorized	*610
on real estate to certain extent by do. do. authorized	ib.
from banks by State Treasurer, when and how to be required	*626
LOCATIONS of reserved lands in townships—how to be made and confirmed	151
committee to be appointed, &c. therefor on application to C. Pleas	151
their return accepted, recorded, to be conclusive	152
return of, by proprietors, may be confirmed by Common Pleas	ib.
LOGS, MASTS, SPARS , and other timber—property in, secured to owners	"749
penalty for taking in any river, without consent	ib.
— for cutting out marks, destroying, &c.	ib.
when floated upon lands of others to be forfeited to owner of land after certain time elapsed	"750
owner may enter and take off, within that time, paying compensation	"751
if compensation for injury be not paid, owner of land may commence action	ib.
compensation for taking up and securing, in Saco River, within certain limits	ib.
persons taking up, to give notice, and how—proceedings if no owner appear	ib.
if no notice be given, owner may take	*751, 752
penalty for stopping, in Saco, Androscoggin, Kennebec, Great and Little Ossipee Rivers	*752
prize, in Saco river, how to be disposed of by proprietors of booms	753
penalty for proprietors disposing of, otherwise than directed	ib.
owners of, may enter mills in search of, suspected	*754
when intermixed in river, expense of driving, how paid	ib.
LORD'S DAY , due observation provided for, and time included in	73, 74
teaming, travelling on, amusements, &c. prohibited	73
drinking, idleness, play, &c. not allowed at taverns on,	74
concerts, dancing, &c. not allowed at taverns, evening preceding and following	75
disturbing public worship, and indecent behavior at church, punishment of	ib.
writs and processes not to be served on	ib.
LOST GOODS AND STRAYS —mode of proceeding with by finder	*573
person finding, to give notice to town clerk	ib.
appraisal of, how to be made	*574
horses and other cattle, not to be taken up as strays at certain seasons unless	*575
if horses—may be sold after two months, in case	*574
proceeds, how disposed of	*574, 575
LOTTERIES , and sale of tickets, not allowed in this State, unless by law of Congress or State	116
LUMBER , inspection and survey of, regulated	*674
surveyors of, to be chosen by towns in March or April annually	*674
to be surveyed, measured, &c. before sale	ib.
boards, pine quality allowed to be shipped for foreign market	ib.
allowance to be made for shrinking	ib.

LUMBER, clapboards, how to be certified, &c. before exportation	*676
hoops, how to be culled, before exportation	ib.
shingles, dimensions, where to be surveyed	*674, 675
staves, dimensions; to be culled	*676
LUNATICS, may be committed to house of correction in certain cases	453
may have guardians appointed, by Judge or Probate	214
children of, may also have guardians appointed by do.	215
[See <i>Guardians</i> , &c.]	

M

MACKEREL, packing and inspection of, regulated	" 643
[See <i>Fish</i> .]	
MAIMING—how punished in principal or accessory	54
MALICIOUS MISCHIEF, in burning corn, hay, fences, lumber, &c. how punished	59
in killing, wounding, or mutilating cattle, horses, sheep, &c.	59
accessaries after the fact	59, 60
in wilfully setting fire to woods, without leave	60
liability of parents, for such mischief by minors	ib.
cruelty to horses, or cattle, penalty for	ib.
MALIGNANT FEVER [See <i>contagious Sickness</i>]	
MALT, making and measuring of, regulated	*657, 658
MANSLAUGHTER—punishment of	54
MANUFACTURE of malt, leather, &c. regulated [See <i>Malt, Leather, &c.</i>]	
MANUFACTURING CORPORATIONS, Acts authorizing, to be considered	
public acts	" 599
first meeting of, how notified, called, &c.	" 597
may choose officers, make bye-laws,	ib.
shares how divided and numbered, transferred, &c.	" 598
assessments how made and collected on shares, by sale	" 599, 599
execution against, how levied and satisfied	234
MARRIAGE, solemnization of, regulated	340
in what degree incestuous and void, and prohibited	ib.
between whites and negroes, mulattoes or Indians, void and prohibited	341
between parties, either having former husband or wife living, void	ib.
by whom to be solemnized	ib.
intentions of, how to be published, certified, &c.	341, 342
parties to, if within age, to procure consent of parents	341
banns of, when forbidden, proceedings thereon	342
defacing, pulling down or destroying publishment of, penalty	342
joining persons in, contrary to law—penalty	342
performing ceremony of, by persons not authorized—punishment	343
among Quakers or Friends, according to their forms, valid	ib.
of feme sole, appointed co-executor, or co-administrator to extinguish her authority	201
of feme sole, appointed guardian, to vacate her authority	216
how dissolved [See <i>divorce</i> .]	
return of, to be made annually, to town Clerk, by persons solemnizing	343, 344
MARRIED WOMAN, when deserted by her husband, may be licensed by the S. J. Court to sell any part of her real estate for support	251
and to prosecute and defend actions, as feme sole	ib.
husband returning, while contracts made pursuant to such powers are in force, liable thereon	ib.
MARINERS, SOLDIERS &c. may, in certain cases, dispose of personal estate, without making formal will	138
MASTERS, liable for offences committed by their servants, in certain cases 60, *555, 572	
of vessels not to transport minors, &c. out of State without consent of parents, &c.	103
not to bring into State persons of infamous character, convicts, &c.	104
to give bond of indemnity to towns, before landing passengers, in certain cases	*546
arriving from infected places, to answer questions of Select-men on oath	" 559
subject to quarantine regulations	*559, 561, 562
duties in regard to inspection laws, [See <i>inspection, Beef, Butter, &c.</i>]	
to give notice of births, deaths, &c. to town Clerk	" 596

MASTERS of work houses and assistants, how appointed	*546
— compensation, &c. [<i>See work houses.</i>]	*548
— to give notice to town Clerk, of births and deaths,	*596
MASTS, SPARS, TIMBER, &c. in rivers, [<i>See Logs, &c.</i>]	*749
MEASURES AND WEIGHTS REGULATED, former standards continued	*575
standards to be procured by State Treasurer	ib.
standards to be procured by county Treasurer, conformable to State	
standard and to be proved once in ten years	*576
— to be procured by town Treasurer according to State or county	
standard	*577
seal to be provided, at the expense of towns	ib.
sealers to be appointed by Selectmen, to be under oath, &c. their duties	ib.
of fruit and malt regulated	*577, 658
[<i>See weights, &c.</i>]	
MEASURERS of cord wood for fuel, to be appointed by Selectmen, in case, &c.	*681
their power and duties, and fees	*681, 682
MECHANICS erecting or repairing buildings, by contract in writing, to have lien	
on the building and land for payment, provided	*755
such contract to be recorded in Registry of deeds	ib.
lien not to continue more than 6 months after last instalment due unless	ib.
may petition Common Pleas for sale to pay their claims	ib.
proceedings of Court thereon	*755, 756
proceedings when such property is attached before record of contract	*757
further proceedings relating to sale, after decree	*757, 758
mode of discharge after satisfaction of contract	" 753
rights of parties to jury trial, appeal, &c. secured	ib.
MEETING HOUSES, pews in, to be deemed real estate	133
pews in, may be taxed in whole, or a part, of assessment laid	" 594
[<i>See pews, parishes, &c.</i>]	
MEETINGS of proprietors, how called, &c. [<i>See proprietors, &c.</i>]	
MILITARY duty, not to be required on election days, unless, &c.	" 469
libraries how established and organized.	" 618
MILITIA—	
Absolute exemptions	*688, 694
Action of debt to recover penalties	" 732, 733
not to be commenced until after eight days	" 733
must be commenced within thirty days	ib.
Adjutant General to be appointed and how	" 690, 697
his rank	" 697
to attend public reviews with the Com. in Chief	" 690
to record arrangements, to receive and make returns,	
prescribe forms, and furnish blanks	*689, 690, 691, 692
[712, 715, 734]	
to cause system of exercise to be provided and dis-	
tributed	" 734
to act as Quartermaster General [<i>See Constitution.</i>]	" 733
his compensation	" 733
Adjutant, his rank, duty, appointment, compensation	" 689, 698, 707, 732, 734
Age of enrolment	" 687
how proved	" 709
when partially exempted	" 696
Aids-de-Camp to the Commander in Chief, how appointed and rank	" 698
to Major Generals	" 689, 697
to Brigadier Generals	" 693, 698
Ammunition, towns to be provided with	" 710
Appeal not allowed	" 733
Appointment of officers, how made	" 697, 698, 699
Applications for companies to be raised, &c. to be made to Governor	" 697
Arrangement of the Militia	" 689, 697
Arms and equipments to be provided	" 692, 702, 703
time allowed to procure	" 688, 716
exempted from attachment and from distress for taxes	" 688
annual inspection in May	" 707
persons unable, to be furnished	" 702, 703
Artillery companies, how officered	" 689, 704
how armed	ib.
formed, and into battalions, &c.	ib.
equipped and uniformed	689, 690, 704
supplied with field pieces, &c.	" 704

MILITIA—

Artillery—reg'ts and battalions allowed horses and drivers at reviews	" 704
to be furnished with powder	ib.
Arrest for debt, when not allowed, when on duty	" 702
Articles and rules established for the Militia, when not in actual service	" 724
when in actual service	" 734
to be read to companies	" 732
Battalions and Regiments, how formed	" 689, 704, 705
to be provided with colors, &c.	" 690, 715
Boards Military, how appointed	" 721
Brigades, how formed and organized	" 689
Brigadier Generals to be chosen, and how	" 689, 697
to draw for instruments and colors	" 715
to make returns	" 727
to determine uniform of cavalry, &c.	" 690
may discharge from volunteer corps	" 727
may reduce non-commissioned officers to the ranks	" 732
Brigade Inspector, his duty and rank	" 689, 691, 712, 734
to act as Brigade Major	" 689
his compensation as such	" 734
how appointed	" 697
Brigade Quartermaster, his duty	" 692, 711, 734
appointment and rank	" 692, 698
compensation	" 734
Camp equipage	" 713, 714
Captains may accept excuses	" 731
Captains to make returns	" 691, 727
to call out companies	" 707, 708
their duty	" 687, 690, 701, 707, 708, 734
may enlist musicians	" 709, 710
Cavalry companies, how formed	" 689
how officered, armed and mounted	" 690
men to be discharged in case	" 705
to form battalions and regiments	ib.
to have field and staff officers	ib.
when detached, horses to be appraised	ib.
Certificates of exemption	" 695, 716, 717
Chaplains appointed	" 692, 698
Citizens to be enrolled, and to be notified	" 687, 688
to equip themselves	" 688, 692
Clerks to each company	" 701
how to be appointed, certified and sworn	ib.
must be a sergeant, his duty	ib.
shall revise and keep a roll and state of arms	ib.
shall distribute and register orders	ib.
keep details	ib.
shall sue for fines and keep accounts	" 701, 733
pro tempore, may be appointed	" 703
may amend the writ without costs	" 733
not liable in case	ib.
Companies, how to take rank	" 723
supplied with cartridges	" 712, 728
to be furnished with drums, &c.	" 690, 715
not to be called out on certain days	" 715
refusing to choose officers	" 699
how formed and officered	689, 690, 709
volunteer, how raised	" 690, 697
do. regulated and restricted	703, 704, 705, 706
to be inspected in May	707
to train three other days each year, including the general review	707, 714
how called out for duty	" 707, 708
four days notice except in case	" 708
not to be reduced under forty eight effective privates, &c.	" 705
Company officers, majority of electors must be present to choose	" 709
Commander in Chief to arrange the Militia	" 697
commission and discharge officers	" 697, 698, 699, 726
appoint courts martial and board of officers	" 717, 721
furnish pieces, &c. for artillery, and powder	" 704
Commanding officers to make returns	" 727

MILITIA—

Colonels to be chosen and how	" 693, 698
Colors, drums, &c. provided	" 690, 715
Commissions renewed when lost	" 700
rank by date, except in case	ib.
Compensation for services	" 723, 724, 733, 734
Conditional exemptions	" 695
Conditional exempts, their duty	ib.
to pay two dollars a year	" 696
Corps raised at large	" 690, 697, 705, 706
Courts Martial, how appointed and regulated	" 717—723
their proceedings	" 718—21
Compensation	" 723, 724
Courts of Inquiry	" 721, 722
Date of commissions determined	" 700
Denying names, penalty for	" —09
Detachments, how made and regulated	" 705, 713, 714, —28
when not organized	" 713
neglecting to march	ib.
officers neglecting to make	" 728
Detail, how made	" 713, 718, 719
Disabled officers and soldiers to be provided for	" 694
Discharge of officers	" 726
of soldiers infirm	" —17
other cause, as being guilty of infamous crime	" —29
Discipline, rules of, established	" 691, —34
Divisions, how formed and officered	" 689, 693
new, how numbered in rank	" 734
Division Inspectors to be appointed, and rank	" 693, 697, 711, 712
Quartermasters do. do.	" 693, 697
Dragoons how equipped, officered, &c.	" 690
Drivers to be enlisted for artillery	" 704
Drums, &c. provided	" 690, —15
Election of officers, how made, regulated and returned	" 697, 698, 699, —09
Election of company officers void, unless majority of electors present	" 709
Enlistments, void in case	" 705
Electors to have at least ten days notice	" 699
Enginemen conditionally exempted	" 695
Enrolment, how made, by whom at what age	" 687, 701
notice of what legal, and how given	" 688, 692
Equipments of Infantry, privates and officers	" 688
Cavalry	" 689, 690
Artillery	" 689, 690
time allowed to procure	" 688, 716
Equivalents, how to be accounted for	" 696
Evidence of notice, what sufficient	" 708
Exemptions by United States law	" 688
absolute, by State law	" 694
conditional, and equivalent to be paid	" 695, 696
partial	" 696
conditional and partial exempts their duty	ib.
Excuses to be made within eight days	" 731
Field officers, how chosen	" 698
Field pieces and apparatus, how furnished	" 704
Fines for non-appearance on first Tuesday in May	" —29
for company exercises	" —29, —30
for deficiency of arms and equipments	" —30
for bad arms	ib.
for neglect of regimental duty	ib.
for neglecting or refusing to warn for exercise	" —29
for disorderly firing	" —29
for quitting guard or platoon	ib.
for disorderly behavior	" —28
for unmilitary conduct	" —28, —29
for neglecting to meet to choose officers	" —31
for refusing to tell names	" —09
of musicians for neglect	" —07, —10
forfeitures of towns	" —10
in case of minors	" —16
in case of detachments	" —12

The short dash set with the figures is substituted for 7.

MILITIA

Fines for not wearing uniforms	" -30
coming on to parade with musket, &c. loaded with ball	" -28
parading men on election days	ib.
for taking fee by surgeon	" -31, -32
disobedience, &c.	" -32
how recovered	* 710, 728, 729, 731, 732, 733
appropriation of	* 728, 729, 731, 732, 733
Garrisons, rules and articles for Militia in	" 734
Governor to commission officers	" 697, 698
Governor and Council to form the militia	" 697
to appoint officers in case of neglect	" 699
to raise volunteer companies	" 697
Grenadiers to regiments	* 689, 697, 705
Horse, companies of, to be formed	" 689, 690
Infantry, how formed, officered, and equipped	" 689, 692, 693
Infirm and sick, how exempted	" 716, 717
Inspector of division, how appointed, his rank	* 693, 697
his duty	* 712, 713
of Brigade, his duty	* 689, 691, 711, 734
to act as Brigade Major	* 689
how appointed	* 697
Inspection of arms in May	* 707
Insurrection, invasion	* 713, 714
Judge Advocate, appointment and rank	* 698
his duty	* 719— 724
his pay	* -24
pro tempore	* -23
Killed and wounded in service	* 691, -17
Knapsacks not required at company trainings	* 688, -30
Light Infantry how raised,	* 639, 697, 706
Major General how chosen, his power and duty	* 689, 697, 699
to appoint courts martial and courts of inquiry	* 717, 721, 722
Majors to be chosen, and how	* 689, 693, 698
May inspection	* 707
Men, how discharged infirm	* 716, -17
for other cause	* 729
Militia how formed	* 689, 697
how officered, arranged and organized	* 689, 692, 693, 697
how armed	* 689, 690
officers, how elected and commissioned	* 697, 698, 699
returns thereof made	* 691, 699, 711, 712, 727
to be reviewed each year by regiments	* -14
not to turn out on certain days	* -15
not to be called out but four times a year	* -08
Minors provided	* -16
parents, masters or guardians liable for not equipping	ib.
neglect to do duty, parents, &c. liable	ib.
Musicians to be enlisted	* 706, 707, 709
to be fined for neglect	* -10
Music, bands of, how raised and regulated	* -06
instruments to be provided by them	* 706, -07
instruments to be furnished companies	* 690, -15
Muskets, size of	* 688
Musters by company	* 707
by regiment, battalion, &c.	* -14
Names, persons refusing to tell, penalty	* -09
Non-commissioned officers appointed	* 699, -03
equipped	* 688, 689, 690, 692
disorderly behaviour	* 728
may be reduced	* 706, 729
neglecting to warn	* 729
Notification of enrolment, what sufficient	* 688, 692
for training or inspection, what legal	* 708
to choose officers	* -09
Oaths, officers to take and to be certified	* 700, -01
at a court martial or court of inquiry	* 719—722
to be taken by witnesses	* -20
to be taken by clerks	* -01
who to administer	* 701, 719, 720, -22
Officers convicted of crime, removable	* -25
answerable for supplies	* 714, -15

MILITIA—

Officers of divisions, brigades, regiments and battalions to make re-	
turns	*691
of the Militia	689, 692, 693, 697, 698, 699
how armed	*688, 689
of the Militia, how elected, appointed and commissioned	*697—700
their rank	*689, 691, 693, 697—700
senior officer to command	*—03
not to be arrested for debt	*—02
chosen and notified, and refusing to accept	*699
neglected to be chosen	ib.
killed and wounded in service	*691, 717
oath and declaration to be taken	*700, 701
under arrest, not to resign or exercise command	*—26
how discharged	"—26
to do duty until discharged, unless	ib.
offences for which triable	*725, 726, 728, 735—740, 743
Orderly and other books not to be alienated	702, 712, —26
Overseers of poor to certify	*702, —16
Organization of battalions and regiments of artillery and cavalry	*703, —04
Parade, bounds of, to be fixed	"*—09
persons intruding within limits, to be put under guard	ib.
Parents, &c. liable for minor children	*—16
Party questioned, to prove age	"—09
Paymaster, how appointed, his rank	"698
Pay of officers	"723, —24, —33, —34
Pay rolls	"723, 724
Penalty for answering falsely. [See fines.]	"—09
Persons not compelled to train more than four days in a year	"—08
refusing names, penalty	"—09
allowed six months to equip	"688, —16
guilty of crime disenrolled	"725, —29
exempted, absolute	"688, 694
partial	"588
conditional	"695
unable, how equipped	"702, 716
neglecting to warn	"—29
killed and wounded	"691, 17
enlisting in volunteer companies to be holden	"—27
infamous to be discharged	"—29
infirm to produce certificate	"—16, —17
Plantations to keep military stores	"710
Poor, overseers of, to certify	"702, 716
Powder to be furnished by towns, for infantry	"712
also to the artillery, by State	"—04
Quartermaster General, duties to be performed by Adjutant Gen.	"711, 38
to provide field pieces	"704
to provide colors and instruments of music	"—15
Quartermasters of brigades, their appointment, rank and duty	"692, 698, 711
of regiments, their appointment and rank	"689, 698
their duty	"710, 711
to prosecute delinquent towns	"—10
Rank of corps	"689
Rank of officers	"689, 691, 697, 698, 699, 700, 719
how determined	"691, 700, —19
Records of courts martial deposited	"—23
Regiments, how formed and officered	"689, 693, 697, 698
how to take rank	"689
Regimental bands	"706
Relief for wounded	"691, —17
for widows and orphans	"—17
Resignations regulated	"—26
Reviews, how regulated	"714, —15
Returns to be made	"690, 691, 699, 711, 712, —27
of magazines	"—11
Rifle companies how formed	"689, 697, —05
how armed	"688, —30
Rolls to be revised in May	"—07
Rosters to be kept	"—32
Rules and articles when not in actual service	"—24
when in actual service	"—34

MILITIA—

Rules and articles to be read to companies	" 732
Rules of discipline established	" 34
Selectmen to furnish arms	" 702, -03
to furnish supplies for men detached	" -13
to furnish powder, &c. for reviews	" -12
duties assigned them	" 702, 703, 712, 713
Seinor officer to command	" -03
Sick and infirm may be exempted	" 716, 717
Staff officers how appointed	" 697, 698, 699
their duty	" 711, 712, 710
Standing companies not to be reduced	" -05
Students of Colleges, &c. to do duty in their own towns	" 696
Surgeons, their duty and appointment	*689, 698, 716, 731
not to take fees	*731
System of discipline	*694, 734
Town Treasurer to receive monies, and to render an account	*696
Towns to be provided with military stores	" 710
penalty for neglect	ib.
Town magazines to be inspected	" 711
Train by company three days a year	* 707, 708
Troops of horse to be raised, &c.	" 689, 690
Uniform of the Militia, generally	" 690, 702
Unmilitary conduct	*725
Uniforms of horse and artillery	* 690, 702
Uniforms and arms exempted from attachment	" 688, 702
Uniform of regimental band	*706
Vacancies provided for	" 699, 703
View of arms in May	* 707
Volunteer companies, how raised	" 697
regulated and restricted	" 705
enlistments into, void in case	ib.
to be disbanded in case	" 708
Warning of companies	" 708, 709
how proved	* 708
War, rules and articles for the Militia in	" 734
Witnesses, penalty for not appearing	" 720
Wounded, &c. to be provided for	" 691
MILLERS to be provided with scales and weights	178
not to take more than 1-16th for grinding corn, &c.	ib.
MILLS support and regulation of, provided for	172
owners may raise head of water, paying damages for flowing	173
persons injured by flowing, may complain to Court of Com. Pleas	ib.
proceedings thereupon, jury to be empanelled, facts to be found and certified	173, 174
parties may agree upon committee instead of Jury to estimate damages	174
verdict or report to be measure of damages, until altered on new complaint	175
action of debt to lie for damages so ascertained, and by whom	ib.
owners of, to give security for damages, on motion of party injured	ib.
costs to be taxed for party prevailing	ib.
owner may tender yearly damages, &c. effect thereof	ib.
owner of lands, may offer to receive less than established yearly damages, effect thereof	176
complaint for increase or decrease of damages, not to be preferred until	ib.
proprietors meetings, how notified, called, &c.	ib.
majority after notice, &c. may repair or rebuild, and be reimbursed out of mill profits	177
if not reimbursed, what further proceedings to be had	ib.
husbands, guardians, and mortgagors, in certain cases to be notified, as owners	ib.
saw and grist, executions how to be levied upon	282
toll at, for grinding, not to exceed 1-16th	178
MINISTERS of the gospel, to be appointed and commissioned by the Governor and Council, with authority to solemnize marriages	341
to make return annually, of marriages by them solemnized, to town or plantation Clerk	343
lands reserved for use of first settled, exempted from highway taxes	* 520
deacons and elders of parishes, may take in succession to use of,	" 595

MINISTERS of Protestant churches may take in succession grants for the use of the ministry	153
not to alienate, without consent of parish, except during their ministry	ib.
MINORS , entitled to allowance out of insolvent estates, where there is no widow	211
to have guardians appointed by Courts, ordering partition of real estate	136
guardians how appointed by Judge of Probate	212
if more than 14 years of age to choose their guardians before Judge	213
living more than ten miles from Probate office, may have their choice certified to Judge, by Justice of Peace	ib.
[See <i>Guardians, Probate, &c.</i>]	
mode of obtaining license to sell their real estate	220
trustees of their estate to give bond	217
guardians, parents and masters accountable for wrongs done by, in certain cases	60, *555, 572
to be provided with arms, &c. by guardians, parents, masters, &c.	*716
[See <i>Militia.</i>]	
how to be bound by indentures, as apprentices	*533, 758
not to be enlisted into the U. S. army without consent of parents	103
not to be transported out of State by masters of vessels	ib.
not to be persuaded out, with intent to enlist them	ib.
MISPRISION OF TREASON , definition and punishment of,	51
persons convicted of, to forfeit estate during life, and suffer, &c.	52
evidence necessary to conviction of,	ib.
MITTIMUS , form of, when principal surrendered before Justice of the Peace is to be committed	335
MODERATOR of town meetings, how chosen, power duty, &c.	*461, 462
not to permit votes to be examined, before closing poll	*462
MONEY , brought into Court, when disclaimer is pleaded in certain cases of trespass, effect of	260
may be brought into Court, by executor or administrator in certain cases	235
MORTGAGES and right of redemption, nature and effect of,	144
process in equity to compel mortgagee to restore possession	145
nature of entry of mortgagee, for foreclosure	ib.
bill in equity may be filed in Com. Pleas, or Sup. J. Court	ib.
conditional judgment on, when sued	146
assignees may be made parties to suits for redemption, in case	ib.
judgment in equity how rendered, in various cases, execution, &c.	146, 147
to State, how discharged and when redeemable	147
proceedings by bill in equity, in case of disagreement between State Treasurer and mortgagor	ib.
rights and interest in, how disposed of by executors and administrators, when person deceased did not obtain possession	149, 148, 234
[See <i>Executors, Administrators, &c.</i>]	
rights in equity to redeem, may be attached on mesne process and sold on execution	269, 277
right so sold, may be redeemed within one year, and on what terms	278, 149
executors and administrators may maintain action to foreclose	148
lands held in by banks, may be taken and sold on execution	276
MULES, ASSES, &c. not to go at large	*567
MUTE , persons standing in capital trials, how proceeded with	266
MURDER , and accessories to before and after the fact, how punished	53
NAILS manufacture and inspection of regulated	*669
Inspector and deputies, powers and duties, to be under bond, &c.	" 669, 670
casks to contain, how to be made, branded, &c.	*670
wrought to be sold by the pound, or real thousand	ib.
not to be exported unless inspected, &c.	" 671
made in another State, not to be exported from this, without inspection, &c.	ib.
not inspected, liable to seizure by warrant from Jus. of Peace	ib.
penalties for violating provisions relating to inspection of	*671—673
cut and brads how to be packed and branded	*672
attempted to be sold without inspection, penalty	ib.
returns of inspection to be made to Secretary of State, in May	*673
NEAT CATTLE , may go at large, at any season, unless restricted by vote of town	*567
NON COMPOS persons, insane, lunatics, &c. [See <i>guardians.</i>]	
NON RESIDENT LANDS , taxes on how collected, [See <i>taxes.</i>]	*521, 485
notice to be given to attorney, if any in town, &c. before sale	*487
what shall be legal evidence of such notice	*488
NON SUIT , party prevailing in entitled to costs	259
NOTARIES PUBLIC , how appointed, tenure of office	34, 33

NOTARIES to have seal of office with device	423
duties of, as to protests on mercantile losses	ib.
— foreign and inland bills of exchange, promissory notes	ib.
may take depositions in perpetuam	424
— grant warrants of survey on vessels	ib.
records of, how kept, and in case of decease deposited in Clerks office	ib.
— how certified by Clerks in such cases	ib.
NOTES, bills and other securities given for gambling debts, void	96
accounts, &c. not to be purchased for collection, by attornies, Sheriffs, &c. for profit	100
if witnessed, not barred by limitation, when sued by original promisee	298
NOTICE to be given on petitions for partition of real estate, before granting	134
— by committee, before making partition	136
to proprietors of common fields before partition, by Sessions, mode, &c.	171
respecting real estate in certain cases to be in Portland newspapers	188
to be required by Judge of Probate before ordering wills proved in foreign Courts to be filed and recorded	199
NOTICE by executors and administrators of their appointment how given	199
evidence of how perpetuated	200
by Judge of Probate, before requiring new sureties to bonds	220
— before removing guardians	217
— before granting license to sell real estate	223, 228
by executor, administrator, &c. before selling at auction, by license	227
by common law Courts, on petition to sell whole estate in case, &c.	228
evidence of, for sale of real estate by executors administrators and guardians, how perpetuated	233
on petitions for review in Judicial Courts	248
on petition of married woman for sale of land, in absence of husband	252
by officer selling shares, &c. in insurance companies	272
— taking in execution franchises of turnpikes	273
— taking property of debtors to banks, to prevent transfer	275, 276
— before sale on execution of equities of redemption	277
by Justices, taking depositions, to all interested, how and form	389
of poor debtors in prison on execution, may be given to attorney of record in certain cases	415
by notaries on bills of exchange, promissory notes	423
by Selectmen, &c. on revising and correcting list of voters	*465
by collectors to attorney of non resident lands, before sale for taxes	*487
by officers, selling land for taxes evidence of, how preserved	*502
by Court of Sessions on application for highways through proprietors lands	*520
by overseers of poor in one town to those of another, respecting paupers and effect thereof in suits	*542
by persons arriving from infected places, when required	*556
when cattle are impounded, how to be given	*569
by finder of lost goods, stray beasts, &c.	*573
on petitions to Legislature when and how to be given	*747, 748
on application for guardian to spendthrift, &c.	216
effect of, to prevent conveyance, if filed in Register of Deeds office	216
on libels for divorce, how given to adverse party	344
to be given by commissioners of insolvent estates, of time and place of meeting	203
— before sale of common lands of proprietors for taxes	156
— by officer taking personal estate on execution 48 hours before sale	271
— by collector, &c. before sale of distress for taxes, 48 hours	*483
[See Probate, Execution, Taxes, Courts, Justices, Officers, Highways.]	
NUISANCES—provision for removal and prevention of	105
Selectmen with two Justices to assign places for noxious trades, slaughter houses, distilleries, &c.	ib.
not to be permitted except in such places assigned	ib.
penalty for carrying on noxious trades, contrary to law, how recovered and appropriated	105, 106
proceeding of Courts in preventing or removing, on conviction	106
persons annoyed by, may notify owner, and effect thereof on trial, if not removed	ib.
persons injured in health or comfort thereby, may have action for damages	107
fences on public landing places to be considered as,	ib.
may be inquired into by two Justices quorum unus, with jury	ib.
and may be abated, if so adjudged	ib.
manner and form of proceedings in such cases	107, to 110

appeal allowed to Sup. J. Court, and proceedings thereon	111
Costs and fees of Justices, &c. how taxed and allowed	112
NUISANCES in highways, may be removed by surveyor, or any other person	*522
persons aggrieved by removal, may apply to Sessions	*522
buildings, fences, &c. when adjudged to be removed by order of Court	*523

O

OATH , when and in what cases to be imposed and required in S. J. Court	243
how to be administered, in all cases	263
of persons convicted of infamous crimes, not to be received in Courts	86
may be administered by <i>dedimus</i> from Courts, in case, &c.	217, 392
of judicial and other officers before whom to be taken	427
of town officers, when and how to be taken	76, 118, 459, 460
record of, to be made by town Clerk	*460
of inspectors of beef, pork, pot and pearl ashes, &c. [<i>See inspectors, &c.</i>]	
of parties in trials, where usury is pleaded, when permitted and how	99, 100
of attorneys at law on admission to practice in Courts	397
persons scrupulous of taking, may be allowed to affirm	384, 393, 394
of grand and traverse jurors in different cases	382, 383
to be administered by commissioners on insolvent estates, to creditors	205
to be taken by committee to divide, or appraise estate, or commissioners to receive claims, &c.	210
of executors and administrators, licensed to sell real estate, form of,	224
OCCUPANCY and possession of real estate, nature of, to bar action of demandant	297
[<i>See limitation, actions real, &c.</i>]	
OFFICES , incompatibility of	26, 33, 34, 36, 38, 40, 421
persons convicted of duelling, &c. disqualified from holding,	55
OFFICERS certain commissioned by Governor, to pay duty to Treasurer of State or county [<i>See Clerks, Sheriffs, &c. and duties</i>]	425
judicial and executive, &c. before whom to take and subscribe oaths of qualification	427
fees of, established	ib.
receiving fees, to give receipt, if required	449
OFFICERS , civil or military, &c. when sued for misfeasance, &c. may give special matter in evidence under general issue, filing brief statement	261
to direct at fires, in absence of fire wards	*583
of towns, &c. [<i>See town, plantation and parish.</i>]	
levying executions on goods and chattels of debtor, to make particular return	271
to offset executions for and against same persons, in same capacity—	
but not to the prejudice of assignees, or attorney's lien for costs	270, 271
mode of taking by, in execution, of stock, &c. of corporations	271, 272
taking goods, &c. on execution to sell in four days, giving 48 hours' notice previous to sale	271
selling shares in corporate companies, on execution, how to proceed	
to complete transfer, &c. thereby	271, 272
notice required in such cases	272
power to adjourn vendue	273, 275
having writ or execution against owner of shares in company, may require of Clerk or Cashier certificate of amount of debtor's shares	273
how to proceed in taking on execution franchises of corporations	ib.
notice to be given, proceedings as to sale	273, 274
may sell at auction, real estate of Banks taken on execution	275
deed of, when and how to be given	ib.
may sell in same manner, real estate mortgaged to Banks	276
deed, under such sale, to pass debt collateral, to purchaser	ib.
may levy execution on equities of redemption in mortgaged estates	277
mode of proceeding therein, notice to be given previous to sale, deed &c. ib.	
may levy on certain possessory titles to real estate, and sell in same manner	278
having surplus in their hands arising from sales at auction, how to dispose of it, or retain subject to other executions in their own or in other officers hands	278—280
having prisoner, to deliver copy of warrant within 6 hours after demand	324
taking bail in civil actions to return bond with writ	332
— to notify bail 15 days before return day of exec'n against principal	ib.
may be called upon to assist magistrates in certain cases	354
to serve warrants, &c. from Justices of the Peace	355
to serve executions issued by same, on debts recognised before them	356
collecting fines and costs on judgments or sentences of Courts, to pay over forthwith to county Treasurer	372

OFFICERS, permitting prisoner to escape, sentenced to pay fine and costs, penalty	372
held to produce to Courts, receipts from county Treasurer, for fines	ib.
committing persons for non payment of taxes, to leave copy of warrant and amount of assessment	*499
to execute warrants of distress from town Treasurers	"502
notice of sale of lands by—what shall be deemed legal evidence of	"502
to execute warrants, from Jus. of Peace, to remove persons infected	"558
— to secure and examine baggage suspected, and to break open	
houses, &c. if necessary	"559
expenses of—how paid	ib.
not to purchase notes, &c. to make profit by suits thereon	100
OFFSET, accounts may be filed in, to certain demands sued, and how	260
executions how to be, in certain cases	270
ONIONS, weight and sale of, in bunches, regulated	*661
weighers to be appointed by Selectmen; their duties and fees	ib.
OUTLAWRY, process of regulated, and against whom to be issued	337, 338
persons having judgment against, how far disqualified	339
real estate of persons in, bound to respond judgment as to fine and costs	339
proceedings—when person appears in Court and confesses, or traverses	340
OVERSEERS of the poor to be chosen by towns in March or April annually	*459, 531
their powers, duties, &c. [See poor.]	*532
certificate of, required by Courts, before granting license to sell real	
estate of spendthrifts, non compos, &c.	229, 230
of work houses, how chosen, powers, duties [See work houses.]	*546—551
OYSTERS, penalty for taking away or destroying	*774
not to be taken without written permit from Selectmen	ib.
OWNERS of improved lands, &c. if within the State, or their tenant, may be	
assessed for taxes	*485
of vessels how far liable for misconduct of master or mariners in certain cases	92
who to be considered such, in certain cases	93
of mills who shall be so considered, in certain cases	177

P

PAGE, in copying, recording, &c. to be computed at 224 words	439
PAGEANTRY and public shows in night time, prohibited	*554
PAPER, packing and sale of, regulated	"686
penalty for selling or disposing of, when not marked	ib.
PARDONS, conditional, may be granted in certain cases, by Governor and Council	123
PARENTS and GUARDIANS of minors, liable for mischief done by their wards, &c. in certain cases	60, *555, 572
may have action for damages against persons enticing or carrying away minors	103
PARISHES and RELIGIOUS SOCIETIES, may incorporate themselves, under	
warrant from Justice of Peace, meet and choose officers	*592
may take and hold real estate amounting in income to \$3000	*592, 596
meetings how called, proceedings at	"592, 593
may vote and assess money on pews in part, or whole, or on polls and estates	*593, 594
pews in, may be sold for taxes and how	*594
pew tax, may be paid to owner's designated teacher, unless, &c.	ib.
mode of becoming member, or withdrawing	595
persons leaving, liable for taxes assessed, or voted	ib.
ministers of, may take real estate in succession	ib.
mode of alienation by ministers, and by deacons and elders in certain cases	ib.
how to settle with Collector, about to remove, and choose another	489, 490
qualifications of voters in affairs of, in certain cases	*459
officers not bound to plead specially [See Officers.]	261
mode of serving writs, &c. upon	255
Treasurers of, may issue warrants against deficient Collectors	493—495
form of warrants, how levied	*495, 494, 493
PARTIES to suits, dying—provision in such cases	262, 236
may plead their own cause, with or without aid	24
in criminal cases, may be heard by themselves and council, or either	22
prevailing entitled to costs	174, 175, 263, 259
PARTITION of real estate held in common, may be made on writ or petition	133, 134
mode of proceeding on petition to Courts for notice, &c.	134
when facts are contested, mode of trial by Jury	135

PARTITION when petitioner is proved to own less than he claims, cost to respondent	136
appeal allowed from judgment of partition, in Common Pleas, both on actions, and petitions for	ib.
before order for, Court to appoint guardians for minors, and agents for absent persons, interested	136
committee appointed by Courts to make, to give notice to persons interested, before proceeding	ib.
new, may be made in certain cases on complaint, if within 3 years	ib.
mode of making such, and adjusting claims respecting	ib.
costs of, payment may be compelled by Courts, in proportion to shares	137
special assignments, of messuage, &c. may be made to one, in certain cases, he paying value of surplus, &c. to others	ib.
PARTITION of real estate among heirs and devisees, by Probate Court	207
<i>[See Probate, estates real, &c.]</i>	
PASSENGERS , having no settlement in State not to be landed by masters of vessels without giving bond of indemnity, &c. to town	*546
PAUPERS , introduction of, from foreign ports prevented	*545
<i>[See Poor.]</i>	
PEDLERS, HAWKERS and PETTY CHAPMEN , provisions against	"761
licenses may be granted to certain persons for sale of tin ware, by Court of Sessions, on conditions	"762
amount of duty to be paid county Treasurer for such license	ib.
carriage employed by, to be marked	ib.
PENALTIES, FINES, &c. actions, indictments and informations for, where and how to be prosecuted	267, 263
for breach of Lord's day and how recovered and appropriated	73—77
— profane cursing and swearing, first and second conviction	72
— fornication	78
— intermeddling with or secreting shipwrecked property, in certain cases	90
— commissioners of wrecks, neglecting to publish statement	ib.
— arresting dead bodies	94
— taking excessive usury, mode of recovery	99
— Attorneys, Justices and Sheriffs, purchasing demands for collection	101.
— bribery in taking or receiving	101, 102
— transporting minors and others, or enticing them out of State for purpose of enlisting into the U. S. army, and how recovered and appropriated	103, 104
— violating regulations respecting safe keeping of gunpowder	112
— suffering stoves, stove-pipes and chimnies to be defective, in certain towns, and how recovered	114
— offering for sale, or firing squibs, rockets, &c. without license of Selectmen, and how recovered	115
— making lottery, selling tickets, &c. not authorized by State or Congress, and how recovered	116
— distilling through leaden pipes, worms, &c. and how recovered and appropriated	118, 117
— committing trespasses in gardens, orchards, ornamental trees, &c. how recovered	123—125
— joint tenants, tenants in common, committing waste, how recovered	128
— defendant committing waste while real actions pending against him how recovered	129
— fence viewers neglecting their duty	163
— overstocking, &c. with cattle in common and general fields	168
— wantonly setting fire to woods, &c. without leave	60
— refusing to appear as witness in Probate Court after being cited	226
— not filing will in Probate office within thirty days after death of testator	197
— fraudulent return of officer on execution, when goods are taken and sold	271
— Clerks, &c. of incorporated companies refusing to give certificate of shares belonging to debtor, on request of officer	273.
— officer refusing to deliver his prisoner, copy of warrant	324
— disobeying or making false return of habeas corpus	325
— removing prisoners from one gaol to another without habeas corpus	ib.
— officer refusing to attend before Justice of Peace to receive principal surrendered by his bail	335
— neglect of Justices and Ministers to make annual return of marriages by them solemnized	343
— neglect of Clerks of Quaker meetings to make similar returns	344
— refusal, &c. of officers to aid, when called upon by Justice of Peace	354

PENALTIES and FINES, for refusal of other persons, to assist, &c. in absence of officers	354
for officers collecting fines, costs, &c. accruing to State and neglecting to pay over to county Treasurer	372
— permitting person sentenced to pay fine and costs, to go at large	ib.
— Justices of the Peace neglecting to pay over fines, semi-annually	373
— county Treasurer neglecting to adjust accounts, with State Treas'r	ib.
— violations of any of the provisions of the Jury law, by Clerks, Selectmen, Constables, &c. [See Jury.]	337, 388
— non-attendance when summoned to give deposition before Jus. Peace	391
— Sheriff neglecting to give bond required by law	401
— county attorney neglecting duty relating to Sheriff's bonds	ib.
— Clerks neglecting to return certificates of fines, &c. to Secretary and Treasurer of the State	406
— refusing to aid Sheriff, &c. in criminal cases when required	407
— person without authority, presuming to act as Sheriff	ib.
— Constable, serving writs, &c. before giving bonds	408
— — refusing to execute Coroners' warrant for jury of inquest	410
— non attendance of jurors summoned on Coroners' inquest	ib.
— neglecting to deposit records of deceased Notaries in Clerk's office and how recovered	424
— injuring or destroying such records how recovered	ib.
— officers receiving unlawful fees	440
— gaoler neglecting to preserve and deliver his successor warrants, mittimus, &c. relating to prisoners	446
— neglecting to hand in list of prisoners at opening of Courts	446
— gaoler or other person giving ardent spirits to prisoners	448
— gaoler violating other provisions respecting prisons and prisoners	ib.
— — suffering prisoner to escape through negligence	449
— persons chosen to town offices, refusing to be qualified after notice	*460, 471
— Moderator or Selectmen permitting votes to be examined before poll closed	*462
— voting before name is found on list, or giving false answer	*466, 469
— presiding officer at meetings, receiving votes contrary to law	*467
— town and plantation Clerks neglecting duties at meetings	*468, 469
— refusing to take oath when chosen Assessor	*471
— towns neglecting to choose Assessors or Selectmen	*472
— Assessors failing to assess taxes according to warrants from State Treasurer	*473, 474
— Moderator of plantation meetings neglecting to notify officers chosen, to be sworn	*476
— refusing to aid Collectors of taxes when required	*483, 489
— towns and plantations neglecting to raise and expend money required by law for schools	*506
— persons teaching schools without certificate of qualifications	ib.
— surveyors of highways refusing to serve, or neglecting duty	*514, 517
— county & town suffering roads to be out of repair, whereby life is lost	*513
— obstructing highways by logs, timber, &c.	*523
— surveyors of private ways refusing to serve, or neglecting duty	*525, 526
— towns, Selectmen, &c. neglecting duty respecting guide posts	*527
— persons injuring or defacing guide posts	ib.
— breaking up street, &c. to lay drains, &c. without consent of Selectmen	*528
— bringing into, or leaving pauper in any town where he has no settlement	*545
— landing passengers from foreign places, before giving bond to indemnify town	*546
— towns neglecting to furnish materials for work houses	*550
— Constables' neglect of duty as to watches and wards	*554
— neglecting to watch in towns when warned by Constable	*554
— riding with naked scythes in streets, lanes, &c.	ib.
— assembling by night in streets, with pageants, images and shows	ib.
— making bon-fires, &c. in streets near houses	ib.
— persons arriving from infected places, neglecting to give notice to Selectmen	*556
— — — — returning after being removed	*557
— — — — being entertained by persons after	ib.
— — — — travelling in this State without license	ib.
— disobedience to officers having warrants to remove infected baggage	*559

PENALTIES and FINES, masters of vessels arriving from infected places, refusing to answer questions of Selectmen, under oath		*559
— violations of quarantine regulations		*561, 562, 563, 564
— inoculating with small pox contrary to law without license		*564
— keeping hospitals for small pox in places not allowed by law		ib.
— householder neglecting to inform Selectmen when small pox is in his family		*566
— towns neglecting to keep and maintain sufficient pounds		ib.
— suffering horses, mules, asses, swine, &c. to go at large in cases		*567
— horses ungelded, rams, he-goats, &c. to go at large in certain seasons		*568
— rescuing beasts taken up going at large, before impounded		*571, 572
— pound breach		*572
— finder of lost goods, stray beasts, &c. neglecting to advertise		*575
— County and town Treasurer neglecting to procure standards of weights and measures, and seal for town sealer		*576, 577
— Selectmen neglecting to appoint sealers, and sealers refusing to serve		*578
— selling by weights and measures not sealed		*580
— refusing to obey orders of fire wards at fires		*584
— occupying building as sail loft or livery stable in places not approved by Selectmen		*585
— selling goods at vendue without license		*590
— receiving goods for sale from minor or servant		*591
— refusing to aid Constables, &c. when required		*489, 489
— Constable neglecting to render account of taxes to Selectmen or Assessors		*489
— Constable, &c. removing, or intending, &c. refusing to deliver up bill of assessments		*490
— destroying, injuring, or forcibly passing turnpike gates without paying toll		*601
— fraudulently avoiding turnpike gates		*602
— giving false answer to toll gatherer, by person claiming exemption		ib.
— for demanding more than legal toll at turnpike gates how recovered		ib.
— having in possession stereotype plates for bank bills, contrary to law		*621
— Banks neglecting to pay their bills on demand		ib.
— issuing bills for fractional parts of a dollar		*622
— refusing to pay at their banks their bills issued payable elsewhere		ib.
— neglecting to make returns semi-annually, to Sec'y of State		*626
— refusing to loan money to State when required by Treasurer		ib.
— becoming member of unincorporated banking associations		*627
— giving currency to bank bills out of State under 5 dolls. except		ib.
— violating provisions relating to inspection of		
beef and pork for exportation		*632 to 637
butter and lard		*640, 641
smoked and pickled fish		*644 to 648
pot and pearl ashes		*650, 651
hops		*655, 656
tobacco		*659 to 661
onions		*662
flaxseed		*663, 664
lime		*665, to 668
nails		671, to 673
lumber		*677 to 679
shooks		*680, 681
for violating provisions respecting manufacture of malt		*687
— measuring fire wood, bark and charcoal		*682
— manufacture of boots and shoes		*684
— proof of fire arms		*685, 686
— packing and sale of paper		*686
[See the foregoing articles, Beef, Butter, Pot Ashes, &c.]		
— violating regulations respecting ferries		*768, 769, 770
— herring fishery		*773
— shell fishery		*774
— retailers, &c. giving credit to students at Colleges, against the direction of the President, &c.		*749
— pedlers, hawkers, &c. vanding their articles without license		*761
— employing boats and lighters for transporting stone, sand, &c. when unmarked, or falsely marked		*763
— throwing over ballast in harbours, or taking it away from islands		*764
— owner of mischievous dogs neglecting to kill or confine after notice		*765

PENALTIES AND FINES, violating provisions of Act securing to owners their property in logs, masts, spars and timber		*749, to 754
[See Logs.]		
— neglect and unskilfulness of pilots		*771
— neglect of Sheriff to pay over monies collected		405
— not appearing as witness when duly summoned in Courts		265
— distillers, soap boilers, keepers of stables, and sail lofts, exercising their trade in places not assigned		105
— not repairing deficient fences		160
— proprietors of unfenced or common fields neglecting to run lines when requested and notified		169
gaming at public houses, betting, &c.		97, 98
— Selectmen neglecting to run and renew town lines		*464
— pulling down, defacing or destroying publishments		342
— joining persons in marriage contrary to law		343
— retailing spirits, without license		*586
— innholders neglecting to be suitably provided for travellers		*587
— innholders, retailers, &c. suffering gaming in their houses		ib.
— suffering inhabitants to drink, gamble, be idle, &c. in their houses, shops, &c.		74
— being present at dancing, concerts, &c. Saturday and Sunday evenings		75
— disturbing public worship, and indecent behaviour at church		ib.
— innholders, &c. suffering posted drunkards to have spirits		*589
— Selectmen or Assessors neglecting to call meetings for choice of State officers		*467, 468
— militia officers presuming to exercise military command on election days for State officers, Representatives to Congress, &c.		*468
— double voting for State or town officers		*467, 469
— Selectmen or Assessors neglecting to provide list of voters		*469
— refusing to serve as fire ward, when chosen		*583
— wantonly injuring aqueducts		*616
— wantonly injuring fire engines		616
[See Fines and Forfeitures, also Personal property.]		
may be recovered by indictment, where State is party		263
and forfeitures may be recovered by action of debt, where no other mode is provided		ib.
PENALTY in bonds, when forfeited, what judgment to be entered		190
in recognisances for principal, sureties, witnesses, &c. when forfeited		
may be remitted by Courts, in whole or part		190, 191
in bonds, when forfeited, scire facias to issue for further damages if any sustained; or action of debt. [See Bond, Chancery, &c.]		190
PENAL STATUTES [See Action, Limitation, &c.]		
PERSONAL LIBERTY of citizens protected. [See Habeas Corpus, Minors, &c.]		102
PERSONAL ESTATE , distribution, allowance of, to widow [See Probate, Estates.]		
PERSONAL PROPERTY , seized and libelled as forfeited for certain offences, how tried		369
may be restored to owner, on bond for appraised value		ib.
mode of appraisal		ib.
when to be tried in Common Pleas, or before Justice of Peace and how determined		369, 370
mode of trial by Court or Jury		370
if seizure groundless, damages may be decreed respondent		ib.
depositions may be used and appeal allowed, as in common cases		ib.
and affirmations on complaint when appeal is not entered		ib.
PERJURY , and subornation of perjury, punishment of		85
corrupt endeavor to procure commission of		ib.
convicts of, not to be received as witnesses		86
false affirmation, and false swearing in giving dep'n's to be punished as,		394
false swearing before commissioners of insolvency to be punished as,		206
PETITION for partition of real estate [See Partition.]		133
for sale of real estate by executors, admin'rs and guardians		227—231, 223
[See Executors, Administrators, Guardians, Probate, &c.]		
for allowance of appeal to be entered from Probate Court in certain cases [See Court Supreme Judicial.]		222
for review, new trial [See Courts, Review, &c.]		247
PETITIONERS for license to sell real estate may be examined by Courts on oath		229
PETITIONS TO LEGISLATURE , mode of giving notice to adverse party		*747
notice how advertised, or served personally		*748
PETTY CHAPMEN and hawkers and pedlers [See Pedlers.]		
PEWS in meeting houses to be considered real estate		133

FEWS taxes may be assessed on, by parishes in whole or part	*594
tax on, may be paid to designated teacher of any individual, in case	ib.
deeds of, may be recorded by town Clerk	133
how sold for taxes, proceedings in such cases	*594
PICKEREL, penalty for spearing or shooting	*773
PILOTAGE in the several ports regulated	*770
PILOTS, to be appointed by Governor and Council by warrants, where necessary	ib.
to be under oath, bond, powers, duties, &c. fees	*770, 771
to take charge of vessels inward and outward bound, except coasters and fishermen	*771
liable for damages by negligence and unskilfulness	ib.
complaints against, to be decided upon by Governor and Council	*772
to make known to masters of vessels, quarantine laws in force	*563
PLANK [See Lumber.]	
PLAINTIFF failing to support his action, to be non-suited	259
PLANTATIONS, Assessors of, to prepare and have at meetings, list of voters	*465
to revise and correct such lists, and when	ib.
to require votes for Senators to be brought in on one list	*466
meetings of, for choice of county Register to be in September	420
— for choice of State officers how called	*466
— for choice of State officers, how conducted by Assessors	ib.
duties of Clerk, &c. at such meetings, and penalty for neglect	*468
vested with same powers, and subject to same liabilities as towns in regard to choosing assessors of taxes	" 474
assessors of, when deficient, subject to same penalties	ib.
not organized, taxes therein, how collected	ib.
not organized, meetings to be called by warrant from Justice of Peace	
pursuant to precept from State Treasurer	*474
assessors of, to be chosen, and their duties	*475
recently organized, meetings to be called by assessors in Mar. or April	ib.
meetings, moderator of, to notify officers chosen to take oath, &c.	ib.
neglecting to choose assessors for 5 months after warrant from State	
Treasurer to assess taxes, what proceedings to be had	*479
inhabitants of, neglecting to choose assessors, &c. to assess county tax or State tax,—Treasurer may issue warrant to Sheriff, to collect	*480
vested with same powers as towns, in regard to collectors, &c.	*482
may be compelled to indemnify inhabitants whose estate is taken for delinquency of plantations in respect to taxes	*502
to raise and expend for schools at rate of 40 cents for each inhabitant	*503
penalty for neglect and how appropriated	*506
to choose school committee, and school agent for each district	*504
school books to be furnished by assessors, in certain cases	*505
may determine the number, &c. of school districts	ib.
raise money for building, &c. in school districts, when they refuse	" 508
may raise money for making and repairing highways, and to be subject to same liabilities and duties as towns, relating thereto	" 519
to provide superintendants and money for inoculating with linc pock	" 555
how to proceed in settling with collectors, about to remove, &c. in certain cases	" 439
— and in choosing another to complete collection	" 490
to make up to State Treasurer deficiency of negligent collectors	" 492
Treasurer of, may issue warrant of distress against deficient collectors and Sheriffs, in certain cases, forms thereof	" 493, 494, 495
Clerk's duty in regard to licenses to retailers, &c.	" 586
assessors, Treasurer and Clerk, to meet in September, annually, to grant licenses to innholders, retailers, &c.	" 586
return to be made to Common Pleas, of licenses granted	ib.
assessors, &c. may meet and grant at other times, on condition	ib.
made bodies politic and corporate for certain purposes	" 503
PLAGUE [See contagious Sickness.]	
PLATES, stereotype required for Bank bills [See Banks.]	" 620
PLEAS SPECIAL, not required of executors, administrators and guardians, when sued in that capacity	238
nor of civil, military, town, parish, &c. officers, when prosecuted as such, in certain cases	261
PLEAS in abatement, judgment on, in Common Pleas, may be appealed from to Supreme Judicial Court	265
agreements for waving, &c. to be binding from lower to upper Court	ib.
in audita querela regulated	328
of title to real estate before Justice, proceedings upon [See issue general]	357
POLYGAMY, &c. punishment of	77

POLYGAMY, punishment, &c. not to extend to cases where husband or wife shall be continually absent seven years, in case, &c.	78
nor to certain other cases	ib.
POOR, Overseers of, to be chosen by towns in March or April annually	" 459, 531
settlement, relief, support, employment and removal, provided for	" 530
former laws respecting settlement repealed, except as to settlements gained	ib.
modes of gaining settlement, in various cases	" 530, 531
settlement, gained, to continue, until defeated by new one	" 531
to be supported by towns where they have a settlement	ib.
money to be raised therefor and overseers to direct	ib.
Selectmen to be overseers of, in case none are specially chosen	532
overseers, powers and duties described	ib.
certain kindred of, may be compelled to support them by complaint in Court of Common Pleas	ib.
such kindred of, may be assessed in a weekly sum, and Court may further direct with whom pauper shall reside	" 532, 533
children of, may be bound as apprentices or servants by overseers, with provision by indenture for their instruction	533
overseers to inquire as to treatment, &c. of such children	ib.
overseers complaining to Common Pleas of ill treatment of such apprentice, he may be discharged and bound anew	" 534
— may have remedy on indentures, proceedings in such case	ib.
— action by, not to abate by death of any of the overseers	" 535
such an apprentice eloping may be arrested and returned	ib.
— if enticed, master may recover damages	ib.
— may be discharged, by Court on complaint of master, in case	ib.
— may bind out paupers in certain cases, not exceeding one year	ib.
— persons aggrieved by such doings of, may complain to Common Pleas	ib.
of unincorporated places to be under care of overseers in adjoining town, where such place is taxed, power and duty of overseers respecting such poor	" 536
overseers of, may prosecute persons keeping houses of ill fame, proceedings thereon	ib.
— to provide immediate relief for persons in distress, &c. found in their town, but having settlement elsewhere	ib.
such expenses, incurred within three months, may be recovered of town where pauper is settled, if sued for within two years	" 537
settlement of pauper not to be contested in case	ib.
recovery in such action to conclude question of settlement in subsequent action	ib.
overseers in towns containing a gaol, may set to work poor debtors, chargeable, &c.	ib.
provided no more work to be required than sufficient for their support	ib.
prisoner not to be chargeable to his own town as a pauper, while such order continues	ib.
prisoners when supported by town, amount paid to be refunded by creditor who committed them	" 538
rate of pay for support, \$125 per week	ib.
may be discharged by creditor, in such cases, without prejudice to his own claim against debtor's property	ib.
[This provision for support of debtor limited to demands on debts contracted before March 14, 1820.]	
compensation for keeping in prison—to prison keeper	" 538
becoming chargeable to any town may be removed to place of legal settlement	ib.
— mode of proceeding in such case	ib.
— form of complaint to Justice for removal	ib.
— summons on such complaint	" 539
— proceedings—record of judgment, &c.	" 540
— warrant of removal (in case) to be issued by Justice	ib.
becoming chargeable, &c.	" 541
execution for damages and costs may be awarded, by Justice	ib.
appeal allowed to Court of Common Pleas	ib.
complaint for removal may be made originally to Court of Common Pleas, proceedings thereon	" 542
error thereon may be corrected by Supreme Judicial Court	ib.
depositions may be used in such cases	ib.
judgment not to be prevented by death of pauper	ib.
overseers of, before legal process, may send written notice to town supposed to be chargeable, &c. to remove pauper	ib.

- POOR, overseers of, if no objection, nor removal be made within two months, pauper may be removed to place of settlement by overseers giving such notice *543
such place liable to pay expenses of removal, and to be barred from contesting settlement afterwards ib.
pauper returning after such removal to be punished as a vagabond ib.
may employ, support and bury, paupers found in their towns having no legal settlement within the State ib.
such expenses incurred, how paid ib.
money received for licenses on retailers, innholders, &c. to be paid into town treasuries for benefit and support of ib.
not having settlement, may be sent out of State, or employed in work house ib.
expense of relief for, incurred by individuals, to be paid by towns, in case *544
intemperate may be sent to house of correction, and how supported ib.
how to be discharged, &c. ib.
expenses incurred by towns for support of, may be recovered against him or his representative ib.
dying, overseers to take possession of his effects, &c. and if there be no administration within 30 days, may be sold to pay expenses, &c. ib.
overseers may have same remedy to recover effects of deceased pauper in such cases, as administrator *545
— may appear in all actions, complaints, &c. by attorney or in person ib.
penalty for bringing or leaving, in any town where not settled ib.
plantation may raise money for support of, &c. receive duty on licenses ib.
introduction of, from foreign ports, by masters of vessels, prevented ib.
foreigners supported at work houses, expense of to be reimbursed by State *550
[See Overseers and Work Houses.]
POOR PRISONERS [See preceding articles. See also Prisoners]
PORK, inspection of, regulated, Inspector and deputies how appointed *623
[See Beef and Pork.]
POSSESSION, by tenant, of lands, &c. for six years or more, sufficient to entitle him to claim value of improvement 180, 183, 296
nature of, by tenant, sufficient to bar action of demandant 296
of lands, &c. for twenty years, bars entry ib.
[See limitation and actions real.]
POSSESSORY TITLES to real estate, may be attached and sold on execution 278
POSTHUMOUS CHILDREN to inherit their share in estate of fathers [See Wills.] 141
POT and PEARL ASHES inspection of, regulated *649
size and quality of casks to contain, for exportation *650
how to be inspected, branded, marked, weighed, &c. ib.
not to be exported, unless inspected, marked, &c. ib.
inspector may enter vessels, and seize casks, &c. not inspected *651
penalties for violating any provisions, respecting inspection and for frauds
&c. in branding, shifting contents ib.
master of vessel not to receive any on board, unless inspected ib.
fees of inspector and deputies *652
returns of inspection to be made in May annually, to Sec'y of State ib.
POUNDS, to be provided and kept in towns, under penalty *566
keepers of, and field drivers to be chosen annually, their duties ib.
cattle, &c. going at large contrary to law, may be put in *573, 567
fees to be received by keeper for himself and field driver; amount *567
horses, neat cattle, &c. not to be put in, where owners unknown ib.
stallions, rams, &c. liable to be put in, if at large, in certain cases *563
persons injured by cattle, may put them in, or maintain trespass ib.
beasts not to be put in, when fence broken, was insufficient, in case; otherwise, when turned in clandestinely, or fence sufficient where broken *569
proceedings, notice, damages, &c. after impounding *569, 570
sale, appraisal, &c. may be made in certain cases *570, 571
when owner is unknown, what proceedings to be had *571
penalty for breach of, rescuing on way to, *571, 572
master and parent liable when effected by child *572
in action for breach of, insufficiency of fence, no justification ib.
PREGNANCY, concealment of, and delivery in secret of a bastard, how punished 56
PRESCRIPTION, time necessary to justify continuance of buildings, fences, &c. in certain places *523, 524
PRINCIPAL in bail bond, may be committed by sureties and how 332, 333

PRINCIPAL	return of avoidance by officer, not sufficient to charge bail, unless execution has been in his hands 30 days before return	332
	to be discharged from commitment, if not taken in 15 days after	334, 335
	may be surrendered before Justices of the Peace, how committed	ib.
	[See <i>Bail, scire facias, &c.</i>]	
PRINTED	copies of private acts and resolves, by authority, competent evidence	264
	[See <i>Evidence.</i>]	
PRISONERS,	held on charge of capital crimes, to be bailed or discharged, unless indicted at first or second term, if confined 6 months	267
	in other cases, after indictment, when to be tried	ib.
	entitled to copy of warrant from officer, within 6 hours after demand	324
	not to be removed from one county to another, without habeas corpus	325
	on conviction for fines and costs, when unable to pay, how to be liberated in certain cases	376
	not able to support themselves, how to be supported, amount allowed	375
	for debt, dying in prison, to be buried by Sheriff, if not by their friends	406
	funeral expenses in such cases to be paid by State or town	ib.
	for debt on execution, may give notice to attorney of plaintiff in case	415
	calendar of, to be kept, and particulars to be entered	445
	list of, to be returned, at opening of Courts of Com Pleas and S. J. C.	446
	committed on mesne process not to be detained after 30 days from judgment, unless taken on execution	ib.
	committed for debt to be kept separate from felons	447
	committed for crimes and debt, not to be allowed spirits unless	ib.
	voluntary and negligent escape of, suffered by gaoler how punished	488, 449
	conveying tools, to aid escape of, how punished	449
	escaped, reward for apprehending may be offered by Governor	"457
	for taxes allowed liberty of yard	"499
	when discharged, taxes to be paid by towns	"500
	for debt, if paupers, may be compelled by overseers to labour for support	"537
	poor, may be discharged by creditor from gaol without vacating judgment against their property	"538
	under judicial authority of the United States may be received in county gaols, and expense of keeping paid to county treasurer	451
	[See <i>Convicts.</i>]	
PRISONS	regulation and management of, [See <i>Gaols.</i>]	445
PRIVATE ACTS,	copies of, printed by authority, competent evidence	264
PRIVATE WAYS,	for the use of towns, &c. how laid out and repaired	"512, 513, 524
	[See <i>highways and ways private.</i>]	
PROBATE BONDS,	[See <i>Probate Court, Action, Bond, Judgment, &c.</i>]	
PROBATE COURTS,	established and regulated	191
	Judges of, powers and jurisdiction, and salaries	191, 442
	— may punish for contempts	192
	— when interested in any estate, administration, &c. to be in the most ancient adjoining county	ib.
	— to inspect records of register and if deficient, order suit on his bond	443
REGISTER of—	powers, duties, &c.	192
	to keep account of fees for Judge, and pay over to county Treasurer	442
	to give bond to county Treasurer, condition	ib.
	not to be commissioner, administrator, appraiser, or counsel	193
	estate of, in certain cases, bound to make up deficiency of records	443
	pro tem, may be appointed by Judge, in case, &c.	392
	Judge—not to counsel or advise in matters relating to his office	193
	to have stated court days, and give notice thereof	ib.
	to grant administration to widow or next of kin, or both	ib.
	— or to creditors if they refuse or neglect to take	194
	inventory, appraisment, and bond, how taken	193, 194
	may grant administration on estate of persons dying out, and leaving property within the State	195
	to examine and approve all probate bonds before being filed	196
	may authorize sale of personal estate, by administrator, &c. if requested within three months, otherwise administrator, &c. to account at appraisal	ib.
	may grant administration with the will annexed, if executor refuse, or be a minor, &c. to some suitable person	197
	may issue dedimus to take testimony of witnesses to wills in cases	ib.
	may approve of wills, on testimony of one or more witnesses in certain cases	ib.
	in county where estate devised lies, may order copy of will proved in foreign Courts, to be filed and recorded	197, 198

PROBATE COURTS—Judge to require bond of executor to return inventory &c. or if executor be residuary legatee; to pay debts and legacies to allow none to act, where there are divers executors, but those who give bond	198
to take bond of executor living out of State, on filing copy of will	199
to direct notice of appointment to be made by executor, and administrator—evidence of such notice how perpetuated	ib.
to remove executors or administrators, neglecting to account, becoming insane, unsuitable, &c.	199, 200
not to grant administration originally after twenty years, nor de bonis non, where personal estate or debts do not amount to 20 dolls.	200
may take submission of disputed claims of executor or administrator on agreement of reference between them and heirs, in writing	201
to appoint committee to appraise income of real estate, in hands of executor or administrator, to be accounted for	ib.
may compel by citation, persons suspected of embezzlement of goods of persons deceased, to disclose on oath	202
may punish by commitment, persons refusing so to disclose	ib.
to order distribution of insolvent estates, pro rata, among all the creditors according to allowance by commissioners	203
provided taxes &c. to be first paid in full	ib.
to appoint commissioners to receive and examine claims	ib.
commissioners to give notice of time and place of their meeting	ib.
to allow claim disallowed by commissioners to be submitted to reference	204
may allow executor or administrator to join with other creditors in compounding with debtors, in certain cases	207
may cause real estate, situated in one or more counties, to be divided among heirs or devisees	ib.
may settle whole estate on one or more where it cannot conveniently be divided among all the heirs, surplus being paid to those deficient	ib.
such division not to be prevented by conveyance of heirs or devisees when dower is to be assigned, or partition ordered and such estate lies in common, the deceased's estate to be first severed by committee, they giving notice to all interested	208
such division or partition, accepted, recorded, to be binding and conclusive, unless appealed from	ib.
may order such division as to whole or in part	203, 209
to appoint guardians to minors, &c. and agents for persons absent and order notice to all interested, before ordering such partition	209
not to order such partition when proportions appear to be uncertain or disputable	209
to allow message of greater value than a share to be assigned to one, he paying surplus to party deficient	210
to allow account of expenses of partition and compel payment, proportionally	ib.
may allow division of reversion expectant of widow's dower in estates upon division and settlement of the other parts thereof	ib.
may direct bond of indemnity to be given to executors or administrators, by heirs demanding legacy, or share, in case	211
to appoint guardians to minors allowing those of 14 years and upwards to make choice	212
such choice may be made before Justice and certified to Judge in case	213
to require bond of guardians to return inventory, render account	213
may allow guardian to purchase life estate of tenant in dower in certain cases, for benefit of minor interested in reversion	213
to appoint guardians to persons non compos, lunatics, idiots, &c. if Selectmen, after inquest certify them incapable	214
proceedings of, against persons suspected of embezzlement of property belonging to idiots, &c. under guardianship	ib.
to require inventory of estates of such persons, from their guardians	ib.
to license guardians of non compos, idiots, &c. to sell real estate in case	215, 223
may appoint guardians to spendthrifts, idlers, drunkards, &c.	215
may appoint guardians to children of lunatics, idiots, &c. as if their parents were dead	ib.
to require bond of guardians to idiots, non compos, spendthrifts, &c.	216
may dismiss guardians when necessary, and appoint others	217
may license guardians to transfer stocks belonging to their wards	ib.
may grant dedimus to administer oath to witnesses of wills, and to executors, administrators and guardians, in certain cases	ib.

PROBATE COURTS, Judge to require bond of trustees to estates of minors and others appointed by will	218
to appoint other trustees instead of those who refuse to give bond	219
may permit trustees to resign in certain cases	ib.
may fill vacancies of trustees, occasioned by death or otherwise	ib.
may remove trustees whenever they become disqualified, or unsuitable, and appoint others in their places	220
and require bond of trustees, so substituted	ib.
may require new probate bonds, in any case, when sureties are insufficient, on application of persons interested, after notice	ib.
may require principal in any probate bond to procure new sureties on their application, at any time after 6 years from date of bond	221
may remove principal from trust, if he neglect to comply	ib.
to require bond and reasons of appeal to be filed, when appeal claimed	ib.
may license executors, administrators and guardians to sell real estate for payment of debts, legacies and charges of administration	223
witnesses refusing to appear before, after being cited, how punished	226
may order division of real estate set off on execution, or when possession is recovered on mortgage by executor or administrator—among widow and heirs, unless to be sold for debts	234
to allow widow wearing apparel and other necessities out of personal estate	143, 210
appeal from to be allowed in all orders, decrees, &c.	221, 223
appeals from regulated	221, 222, 223
PROCESS, civil, not to be served on the Lord's day	75
PROFANE CURSING AND SWEARING, penalty for	72
PROFITS AND RENTS, may be taken in execution in certain cases	281
tenant to attorn to creditor in such cases [See Execution.]	282
PROMISSORY note, bills of exchange, &c. notice on how to be given by Notaries Public, to endorsers	423
if witnessed, not to be barred by limitation of actions when sued by promisee	298
PROMISES, void, within statute of frauds [See Fraud, &c.]	240
PROPERTY [See personal Property.]	
PROPRIETORS of general and common fields, may have annual meeting in March, and agree on mode of improving	164
proportion of general fence how determined, recorded, &c.	ib.
expenses of, how to be paid	ib.
may choose officers at such meetings, raise money, &c.	167, 168
— establish rules as to number of cattle to be put in, and when	168
mode of estimating damages by trespasses	ib.
to run lines and mark boundaries, once in two years	ib.
majority of, may discontinue such common interest	169
mode of voting, according to interest	ib.
may recover damages for cattle clandestinely turned in, although fence be deficient	ib.
when three or more wish to improve separately, proceedings	170
when owners of several allotments, wish to have it in common, proceedings	171, 172
of mills—meetings, how to be called, notified, &c.	176
— mode of repairing, rebuilding, and compelling contribution	176, 177
— guardians, husbands, &c. to be considered as owners for certain purposes	177
of common lands—writs against, how served	255
of unincorporated tracts of land may call meetings, raise money, &c.	
for making and repairing highways laid out by Sessions	*522
of private ways and bridges how to proceed in repairing	*524
— common drains and sewers [See drains.]	*528, 529
— aqueducts, how to manage [See Aqueduct.]	*612
— of lands, wharves, &c. lying in common, may call meetings by application to Justice of Peace, through State, or in county where lands lie—mode of calling such meeting	154
proceedings at such meetings, powers, &c.	154, 155
may appoint agents to prosecute and defend suits	155
may raise and assess money for proprietary purposes	156
mode of transfer of property, on sale for delinquent taxes by deeds, rights of redemption	156, 157
may choose assessors, treasurer, &c. vote by attorney	157
may divide and dispose of their common property	ib.
to continue a corporation, after division, until debts are collected and paid, but not beyond ten years	158

PROPRIETORS' Clerk last chosen to continue in office, until records are deposited with town Clerk	158
PROPRIETORS OF LANDS, &c. when lands lie in different towns, Court of Sessions to decide what Clerk shall keep the records, and certify copies, after dissolution of propriety	159
may, in certain cases, after final division, recal their records and cause Clerk to record their proceedings	ib.
PROSECUTORS OF FELONS, how to be rewarded in case	69, 84
when more than one, in particular case, reward to be divided	85
PROSTITUTION, houses of, [See <i>overseers of poor.</i>]	
PROVERS OF FIRE ARMS, how to be appointed	*685
PROVISIONS UNWHOLESOME, punishment for selling	104
PUBLIC WORSHIP, disturbance of, prevented, and punished	75
indecent behaviour at, on Lord's day, penalty for,	ib.
PUBLIC VENDUE, sales at, regulated [See <i>Vendue.</i>]	590, 591
PUBLISHERMENT for marriage, and certificates regulated [See <i>Marriage.</i>]	341, 342
PUNISHMENT OF CRIMES, MISDEMEANORS, &c. of treason, misprison and concealment of treason	51
murder, and accessories thereto before and after the fact	53
manslaughter, maiming and being accessory	54
assault with intent to commit murder, or being accessory	ib.
assault with intent to maim, &c. or being accessory	55
duelling, and giving or accepting challenge, aiding, &c.	ib.
concealing pregnancy and being secretly delivered of a bastard	56
endeavoring to conceal death of bastard	ib.
committing a rape, or being accessory before or after the fact	56, 57
for assault with intent to commit rape	57
of incendiaries and perpetrators of malicious mischief	58
— burning dwelling house in <i>day</i> or <i>night</i> time	ib.
— public buildings, stores, barns, &c. in <i>night</i> time or being accessory before fact	58
for burning public buildings, stores, &c. in <i>day</i> time	59
— corn, hay, fences, lumber, &c.	ib.
— killing, wounding or disfiguring cattle, horses and sheep	ib.
of accessories after the fact	60
of sodomy and bestiality	61
— burglary and other breaking and entering buildings	ib.
— accessories thereto before and after the fact	62
— robbery, and other larcenies—simple larceny	63
— accessories before and after the fact	64, 67
— on second conviction as principal or accessory	64
— breaking and entering shop, ware house, office, &c. by night	65
— entering dwelling house, &c. in night, without breaking, or in <i>day</i> time by breaking, with intent	ib.
— committing larceny in dwelling house, shop, office, &c. by <i>day</i> , or breaking and entering a church, or public building, store, barn, by night	ib.
— robbery when the offender is not armed, nor intends to kill	66
— when armed with dangerous weapon and intends to kill	ib.
— any other larceny from the person	67
— assault with violence, or dangerous weapon with intent to steal	67
— of accessory to such felony, who may be prosecuted for misdemeanor, though principal be not prosecuted or convicted	68
on second conviction as receiver of stolen goods, or on conviction of three distinct offences of that nature at same term	ib.
of hard labour of convicts may be remitted by Courts in certain cases	69
— blasphemy and profane cursing and swearing	72
— adultery, polygamy, lewdness and fornication	77, 78
— forgery and counterfeiting	79
— routs, riots, and tumultuous assemblies, mobs, &c.	95
— being disguised with intent to obstruct execution of laws	ib.
— cheats and gross frauds	86
— destroying or casting away of vessels by owners, or their procuring with intent to defraud	87
— fitting out vessels intended by owners to be destroyed or wilfully cast away, to defraud underwriters	87
— owners of vessel, &c. making false invoice, affidavit, protest, &c. with intent	87, 88
for enticing minor out of State, in order to enlist	103
— enlisting minors without consent of parents, into the U. S. army, and sending them out of the State	103, 104

PUNISHMENT, &c. for selling unwholesome provisions	104
— for wantonly injuring fire engines	115
— persons, not authorized, presuming to solemnize marriages	343
— cohabiting, &c. by persons divorced from bond of matrimony	347
— convicts, giving false schedule of property in certain cases	378
— false affirmation, same as perjury	394
— gaoler suffering voluntary escape of prisoner	448
— conveying tools to prisoner, to aid his escape	449
— — — — — and if he actually escape	ib.
— embezzling or concealing goods, at fires, (<i>larceny</i>)	*584
— of frauds in Clerks of the State Treasurer	*747
— perjury and subornation of perjury	85
— bribery and corruption	101

Q

QUAKERS, affirmation allowed to, instead of oath, in Courts and other cases	393, 394
— marriages according to their forms, valid	343
— Clerks of their meetings to return list of their marriages to town Clerk	ib.
QUALIFICATIONS of voters in meetings relating to town and parish affairs	*459
— of school masters and mistresses, certificates of, required	*505
QUARANTINE RULES, when to be established and enforced	*561, 562
— penalty for violating, &c. and how recovered	*561, 562 563
— as to particular places, regulated, under penalties	*563
— red flags to be provided for &c. and kept hoisted, until, &c.	ib.
— persons not allowed to go on board vessels under—except, &c.	ib.
— expenses of performing, how to be paid	*564
QUI TAM ACTIONS, defendant in, may give special matter under general issue	267

R

RAMS, going at large, between August 10, and November 20, may be impounded,	
— or owner may be prosecuted for penalty	*568
RAPE, how punished	.56, 57
— accessories thereto, before or after the fact, how punished	57
— assaults on females with intent to commit, how punished	57
RATES, [<i>See Taxes.</i>]	
REAL ESTATE, [<i>See Estates. Execution, &c.</i>]	
REAL ACTIONS, [<i>See Actions real and limitation.</i>]	
RECEIVER of stolen goods, may be convicted, though principal be not prosecuted	68
— second conviction of, how punished	ib
— convicted three several times at same term, how punished	ib
— may be exempted from confinement, in case	69
RECOGNISANCE, in what amount to be required of persons charged with larceny	71
— to be given in certain cases of replevying a person,	
— to be given on claiming appeals in civil and criminal cases	353, 356
— for debts may be taken before Justices of the Peace, in case	359
— form of, how to be recorded	359, 360
— execution upon, may issue upon at any time within 3 years, form thereof	360
— remedy of creditor in case of death, disqualification of Justice	361
— to State when forfeited, part or whole may be remitted by Courts	190, 191
— to use of State, binds the lands of recognisors	339
RECORDS of proprietors of common lands, how to be kept, certified, &c. after partition or dissolution	159
— of religious societies and parishes to be open to inspection of members	*595
— and files of Judicial Courts to be kept in fire proof buildings	444
— to be inspected by Judges, and if deficient, bond to be sued	443
— of Register of Deeds and Probate, to be kept in fire proof rooms	444
— public, to be made on paper manufactured principally of linen	444
— of Justices of the Peace, how to be kept by them	358
— — deceased how to be certified, and proved	358
— by Notaries public, to be kept of all their acts, protests, &c.	424
— — to be deposited in the Clerk's office, on their death	ib.
— — penalty for injuring or destroying	ib.
— — copies of, to be certified by Clerks, in case	ib.
REDEMPTION of estate mortgaged, right of, allowed to mortgagor until three years after entry by mortgagee	144
— of rights in equity, sold on execution	149
— process in equity to compel release, settle amount due, &c.	145
— [<i>See Mortgages, and Equity.</i>]	

REDEMPTION of real estate taken in execution, one year allowed	278, 282
of — — — — in favor and against estates of persons	
deceased, how	234, 238
— franchises of corporations sold on execution, when and how	274
— rights in equity, pending attachment, effect thereof	269
— possessory titles sold on execution	278
— estate in rents and profits levied upon, how liquidated	282, 283
— land of non residents and others sold for taxes	*187, 486
[See Taxes.]	
— mortgaged land taken possession by executor or administrator	149
REFEREES to adjust compensation of commissioners of wrecks how chosen	89
REFERENCE of demands by rule before Justices of the Peace regulated —	361
such demand to be in writing, signed, annexed to submission	ib.
form of submission to be acknowledged	361, 362
report of, to be made to next Court of Common Pleas	362
report may, by consent of parties be made known to them before Court	ib.
power of such referees—same as if appointed under rule of Court	ib.
judgment of Court on such report to be final	363
of dispute respecting compensation of commissioners of wrecks, how	89
REGISTER OF DEEDS to be chosen by ballot in September 1821—and at end	
of every five years afterwards	417
to be sworn and give bond to county treasurer, or Clerk of Sessions	ib.
if not chosen by people, what proceedings to be had on second trial	ib.
to receive duty of 17 cents on deeds, &c. and pay over to county treas'r	418
when found guilty of misconduct in office—his records to be deliver-	
ed over to Clerk of Supreme Judicial Court, to be kept until	ib.
in case of death or removal, what proceedings to be had	ib.
office when vacant to be in charge of Clerk of Supreme J. Court who	
is to be sworn, and perform certain duties	419
REGISTER OF PROBATE how appointed, powers, duties	192
to keep account of fees of Judges and pay over to county treas'r.	442
to give bond to county treasurer, conditioned	442
what shall be adjudged forfeiture and effect thereof	443
not to be counsel, &c. nor administrator, or commissioner, appraiser	193
pro tempore may be appointed by Judge in certain cases	192
duty to be paid by, to State or county treasurer	425
RELIGIOUS SOCIETIES, how organized, incorporated, &c.	*592
records of, to be open to inspection of members	*595
REMEDIES IN EQUITY. [See Equity, and Equity powers.]	
REMAINDER, how to vest in heirs in certain devises, by will	138
RENTS and profits may be taken on execution, in certain cases	281
tenant in such cases to attorn to creditor	ib.
REPEAL of certain Acts and Laws of the Province and State of Massachusetts	
as it respects Maine	*775
REPLEVIN, process of, regulated, as to cattle impounded, goods, &c. taken	366
defendant in, may recover damages, instead of return, in certain cases	ib.
— — — — and return instead of damages	ib.
plaintiff in, may have damages, if legally taken	ib.
when from plea in, damages exceed \$20; or right to soil be in	
question, case to be carried to Com. Pleas, or S. J. Court	367
when goods, &c. are of more than \$20 value and claimed by third	
person, what proceedings are to be had	ib.
what bonds are to be given in such cases	313, 314
damages, how assessed in different cases	367
attachment on mesne process, interrupted by, to be continued, in cer-	
tain cases, until, &c.	368
damages recovered by officer, to be to use of creditor, &c.	ib.
writ of withernam in, may be issued by Courts, in case	ib.
forms of writs in, may be varied by Courts, according to cases	ib.
— — — — for cattle impounded	312
— — — — goods taken, &c. claimed by third person	313
REPLEVYING of persons, process for, when and how to issue	329, 330
form of, in different cases	316, 317
withernam when to issue, provided, &c.	331
who may appear for plaintiff in, costs regulated, &c.	330, 331
REPORT of referees, on submission before Justice, to be to next Court	362
may be opened or made known, &c. to parties before sitting of Court	ib.
of auditors, appointed by Courts, may be given in evidence to Jury	262
REPORTER of decisions of Supreme J. Court, how appointed, duty, &c.	246
salary and fund for payment	ib.

RESCUE of cattle, and pound breach, penalty for	*571,572
RESIDUARY legatees, may give bond to pay debts and legacies	198
RESOLVES, &c. printed copies of, good evidence in Courts	264
RESERVED lots, in towns, &c. how to be located	151
locations made by proprietors, may be confirmed by Com. Pleas	152
RESPONDENTIA and bottomry [See Insurance.]	
RESTITUTION, writs of, in replevin, form, &c.	314
[See Replevin]	
RETAILERS, money received for license of, to be paid into town treasury for poor, &c.	*543
how and when to be licensed by Selectmen, &c.	*585, 586
penalty for presuming to be, without license	*586
not to allow gaming, drinking, &c. in houses, shops, &c. on Sundays	74
[See licensed houses, &c.]	
RETURN, in replevin [See Replevin.]	
RETURNS, of Banks to be made to Secretary, &c. in January and June, under oath, form and particulars to be stated	*625,626
of inspection of beef, pork, ashes, &c. when to be made	
[See Beef, Pork, Potashes, Lime, &c.]	
REVERSION of widow's dower, in insolvent estates to be sold and proceeds to be distributed to creditors	204
may be divided, &c. on settlement of other parts of estate	210
REVIEWS may be granted on petition, by Judicial Courts, on conditions	247
in all civil actions, when reasonable, without limitation	248
when granted, execution may be stayed; if denied, costs to respondent	249
when granted, what proceedings to be had	248
on death of petitioners for, their representatives may become parties	263
of either party pending writ of, proceedings thereupon	262
limitation of time for presenting petition for	248
REWARDS for prosecutors of counterfeiters, how paid	84
may be offered by Governor, &c. for apprehending prisoners escaped or persons charged with high handed offences	*457
for prosecuting thieves	69
RIOTS, ROUTS, &c. mode of dispersing, preventing, &c.	95
penalty for refusing to disperse after being directed	95
attempted by persons disguised how punished	ib.
ROADS, repairing, laying out, &c. [See Highways.]	
ROBBERY punishment of	66
assault, with intent to commit, punishment of	ib.
when robber is not armed with dangerous weapon, nor intends to kill	ib.
when armed with dangerous weapon, and intent to kill	ib.
accessaries to, after the fact	67
RULES for admission of attornies, regulation of practice, may be established by S. J. Court	243, 396
ROGUES, VAGABONDS, &c. may be sent to house of correction	452
[See House of Correction.]	

S

SABBATH due observance of provided for, [See Lord's day.]	73
SAIL LOFT, not to be occupied as such, but in places permitted by Selectmen	*585
SALARIES of officers established	441
of Governor	ib.
Judges of the Supreme Judicial Court	ib.
Attorney General	ib.
Reporter of decisions in S. J. Court	246
Treasurer of State	441
Secretary of the State	ib.
Judges of Probate in the several counties	442
of officers receiving fees, not to be paid, in certain cases, until they account, &c.	440
SALE OF LAND by executors, administrators and guardians	
[See executors, administrators, probate, &c.]	
at auction, by executors, &c. may be adjourned, not exceeding 14 days	232
by officers selling on execution, may be adjourned	273, 275
[See executors, administrators, execution, &c.]	
SALES at auction regulated [See Vendue, &c.]	*590
SAND, stones, gravel, &c. transportation of in boats, lighters, &c regulated.	"763
SCHOOLS in towns and plantations, regulated	"503
amount of money to be raised and expended for, in each	ib.

SCHOOLS instructors of, duty and qualifications required	" 503, 505
committee, to be chosen annually, with powers, duties	"504
books to be furnished, by parents and guardians	"505
in case of their neglect, how supplied	ib.
aliens not to be employed as instructors in	ib.
penalties for violations of provisions of this Act	"506
districts how to be defined, their rights as to money raised	"505, 506
— made corporations, may raise money, locate school houses	"506, 507
— meetings of, how called, proceedings	"508
— refusing to raise money to build school house, what proceedings to be had by town or plantation	ib.
— when inhabitants of, cannot agree where to place school house, Selectmen or assessors to decide	"509
SCHOOL MASTERS and mistresses to produce certificates, before keeping school	"505
houses how to be built, repaired	"506, 508
SCIRE FACIAS, to issue on judgments for forfeitures and penalties, when further sum is due	190
when issued against principal, on recognisances to State, Courts may remit the whole, or part of penalty	191
for waste against executors, administrators, &c. proceedings therein	235
against or in favour of administrators, de bonis non, to complete judgment against or in favour of first executor, or administrator	236
in foreign attachment against trustee not exposing goods	291
— proceedings and judgment thereon	291, 292
against bail in civil actions when and how, and judgment principal may be surrendered thereon, before judgment, on payment of cost [See bail, &c.]	334
SCYTHES naked, penalty for riding with, in highways	"554
SEALER of weights and measures, how appointed, powers, duties	"577 to 579
leather to be appointed, annually in towns	"459
[See weights and measures, and leather.]	
SEIZURE of personal property liable to forfeitures, proceedings thereon	369
[See forfeiture, beef, butter, pot and pearl ashes, inspection, &c.]	
SEIZEN of executors, and administrators in lands mortgaged, or on execution	234
SELECTMEN to be chosen by towns in March or April annually	"459
not to permit votes to be inspected, before poll is closed	"462
to have alphabetical list of voters in town meetings for choice of State officers, and when to correct and revise such list	"465
to call town meetings for choice of State officers, &c. and preside therein	"466
their powers at such meetings:—to refuse improper votes	ib.
to require votes for Senators to be brought in on one list	ib.
penalty for neglecting their duty relating to calling meetings, elections	"467
to be Assessors of towns, in certain cases	"472
to furnish school books at expense of town, in case, &c. to be charged to parent	"505
to determine place where to build school house, when district cannot agree	"509
may lay out town and private ways	"512, 513
to determine places for erecting guide posts, and cause record thereof to be made	"526
— as to making, opening and repairing common drains and sewers	"528
with Justices in town, may establish town watch	"552
to make provision for removing sick persons arriving from infected places	"556
to appoint guard at ferries, to prevent passing of persons infected	"557
power and duty, respecting removing, guarding, &c. infected baggage or clothing	"558
to inquire of masters of vessels under oath, respecting contagion	"560
to provide red flags for vessels performing quarantine	"563
may order vessels from particular ports to perform quarantine	ib.
their power and duty when small pox suddenly breaks out	"565
to give notice to travellers of places infected with small pox	"565
to appoint sealers of weights and measures	"577
to appoint enginemen to town and private engines	"581, 582
may select enginemen for particular services at fires	"582
to determine places where sail lofts and livery stables may be kept	"585
may grant (together with the town Clerk) licenses to innholders, retailers, &c.	"585, 586
not to grant such license to retailers if objected to by College government in certain cases [See Licenses &c.]	"748
may grant licenses to auctioneers, for one year	"590

SELECTMEN may authorize proprietors of aqueducts to dig up and open streets to lay pipes	*615
may appoint weighers of beef to be sold in the market	"636
— of onions for shipping	"661
— inspectors of lime in certain towns	"666
— measurers of fire wood, bark, &c. in case towns so vote	"681
— inspectors of boats, lighters, &c. used for transporting stones, ballast, &c.	"763
may regulate taking of shell fish, in certain cases	"774
with two Justices to assign places for slaughter houses, distilleries, &c.	105
such assignment to be entered on town records, and notice given	ib.
to make regulations for safe keeping of gunpowder in certain towns	112
may enter buildings, in search of gunpowder	114
to make inquest of spendthrifts, idlers, drunkards, idiots, lunatics, &c.	214, 216
and certify to Judge of Probate, if they require guardian to post common drunkards, and tipplers in public houses	*588
may prohibit licensed persons selling to such drunkards	ib.
to be overseers of poor, where none are specially chosen	"532
duty as to jury box and drawing jurors	378
to perambulate lines of towns, once in 5 years	"464
SENTENCES against criminals, may be conditional in case	453
SEPULCHRES of the dead, provisions for protecting against violation	93, 94
[See dead bodies.]	
SERVANTS—penalty for receiving goods from, to sell at auction	*591
children of paupers, may be bound and apprenticed as by indentures of overseers	"533
SERVICE of writs of attachment, and summoning defendant, how made	254
original summons against ex'r, admin'r, in dower, error and review	254, 255
of writs of review where defendants are out of State	256
of original summons when defendant was never inhabitant of State	ib.
in actions of dower and other real actions, to be on ter-tenant also	ib.
of process on joint contracts, where one or more defendants live out of State	ib.
on towns, parishes, corporations, proprietors, &c. copy of process to be left with Clerk, Selectmen, 30 days before sitting of Court	269, 255, 256, *463
when none of defendants are in State at time of, what proceedings to be had	256
may be in certain cases, on defendant out of State, by personal notice, proved	ib.
of process in foreign attachment mode of,	309, 286
— audita querela, how to be made	327
— writs for replevying a person	330
— writs returnable before Justice of the Peace [See Jus. of Peace.]	355
— summons to deponent to give deposition before Justice of Peace	391
— process on turnpike corporations	*603
— notice on petitions to the Legislature, before presenting	"747
— of civil process not to be made on Lord's day	75
— writ in favour of Sheriff against county for indemnity, how made	450
SESSIONS [See Courts of Sessions.]	
SETTLEMENT of lands among heirs and devisees [See Estates, Division, &c.]	
of certain equitable claims in real actions [See Actions real.]	179
of paupers in towns, how gained	*530
— not to be contested, in certain cases [See Poor.]	"537
SEWERS, common and drains regulated [See Drains.]	*528
SHAD, SALMON, &c. [See Fish.]	*773
SHARES in companies how to be attached on mesne process, taken in execution	280
[See Attachment, Execution, Turnpike, Bank, &c.]	
SHEEP, SWINE, &c. not allowed to go at large, in certain cases	*567
SHELL FISH, certain kinds not to be taken without permission of Selectmen	*774
SHERIFF, general powers and duties of, defined	404
duty or excise to be paid by, on appointment	425
persons presuming to act as such, without authority, punishment of	407
to serve by himself or deputy, all writs, precepts, &c. including those in which their own towns are parties or interested	404
when removed to serve precepts remaining in hands	ib.
to have care and custody of gaols	ib.
in case of death, gaoler to continue until	ib.
neglecting to pay over monies collected on execution, liable to 30 per cent. interest	405
to give bond to State Treasurer, and in what sum and condition	400

SHERIFF, bond of, to be approved by Court of Sessions, and sufficiency to be annually examined, on motion of County Attorney	401
— sufficiency of, to be certified annually to State Treasurer	401, 402
— neglecting to give, penalty and how recovered	401
to be removed in certain cases of neglect	401, 402
condition of bond, to extend to misdoings of deputy or gaoler, after death or resignation of Sheriff	405
executor or administrator may be sued in such cases	ib.
suits on bonds given by, regulated	403
body not liable to arrest, &c. in civil cases	405
execution against, returned unsatisfied, copy to be laid before Governor and Council	ib.
to be thereupon removed, if debt be not paid within 40 days after notice	ib.
to be answerable to his successor for all prisoners	406
when removed, execution against to issue against their body and estate	ib.
to bury bodies of debtors dying in prison, if not delivered to their friends	ib.
expenses how to be paid	ib.
to settle his accounts with State for fines, in Common Pleas or S. J. Court	407
may require aid in criminal cases	ib.
to keep calendar of prisoners, form thereof	445
to preserve warrants, mittimuses, &c. and deliver them to his successor	446
to be liable to creditor for escape through insufficiency of gaol, and to be indemnified by assessment of Court of Sessions, on county	450
when sued in official capacity not bound to plead specially	261
copy of bond of, may be required by any person aggrieved	403
— action on, to be commenced in county where dwelling	ib.
— writs in such cases how to be endorsed, for party interested	ib.
— execution upon, how awarded, on judgment rendered	ib.
actions against for misconduct of deputies, limited to four years	301
having surplus of sales on execution how to dispose of or retain subject to other executions in their hands, or of other officers	278 to 280
[See Officers, and Executions.]	
to serve notices on petitions to Legislature	*747, 748
to execute and serve all legal process from Probate Courts	191
to take recognisance on writs for replevying a person, in certain cases	330
to summon jury, in forcible entry and detainer	363
may return talismen on jury of trials in cases	381
when arresting thief or robber, to take goods, money, &c. found upon him, and annex inventory thereof to his return	69
accountable for such goods, and to deliver to owner after conviction	70
not to arrest dead bodies on mesne process or execution	94
to oversee execution of sentences on convicts	119
not to purchase notes, accounts, &c. to collect for profit	100
not to act as counsel or attorney to parties	398
to distribute venires for jurors	380
to execute warrants of distress for collecting taxes, when Assessors are deficient	*480, 481
to execute warrants of distress from State, town &c. Treasurer	*480, 502
to collect taxes when towns, &c. neglect to choose Collectors	*498
to disperse warrants for collecting taxes	*473
produce to Courts at every term, receipts from county Treasurer for fines	372
[See Officers.]	
SHEWS public, and pageantry prohibited	*554
SHINGLES [See Lumber.] tale, &c. of, regulated	*674
SHIPS and cargoes, punishment for wilful destruction of	87
fitting out with intent to be destroyed	ib.
[See Vessel.]	
SHIPWRECKED PROPERTY [See Commissioners of Wrecks.]	
SHOOKS hogthead, size and quality of regulated	*679
to be inspected, branded, &c. by sworn inspectors, under bond	*680
persons injured by inspector's neglect may have remedy bond	*680
[See Drains and Sewers.]	
SICKNESS CONTAGIOUS, provisions against spread of, [See contagious sickness.]	*556
when breaking out suddenly, duty of Selectmen, in regard to	"565
SLAUGHTER HOUSE, [See Nuisance.]	

SMALL POX, and other contagious disorders, notice to be given travellers by Se-	
lectmen by flaggs, &c. placed, where prevalent	*565
householder to give notice to Selectmen, if prevalent in his family	"566
no person to be inoculated for, but at a licensed hospital	"564
hospital for, not to be within 100 rods of dwelling house, unless, &c.	ib.
regulations of hospitals for inoculating with	ib.
penalties for violating regulations respecting	"565
SODOMY AND BESTIALITY, how punished	61
SOCIAL LIBRARIES how organized [See Libraries.]	*617
SOLDIERS, MARINERS, &c. may dispose of personal property, without formal	
will, in certain cases	138
SOLITARY IMPRISONMENT, [See Convicts.]	
SPARS, [See logs, &c.]	
SPENDTHRIFTS, IDLERS, DRUNKARDS, to have guardians appointed	215
their guardians subject to like duties, as guardians to idiots	216
conveyances by, after application to Judge for guardian, to be void, if	
notice be filed in Register of deeds' office, and guardian be appointed	ib.
[See Guardians.]	
SPECIAL PLEADING not required of executors, administrators, guardians,	
civil and military officers, when sued in that capacity	238 to 261
matter may be given in evidence under general issue in such cases	ib.
[See issue general.]	
SPIRITS, not to be allowed to prisoners, unless	447
SQUIBS, CRACKERS, &c. not to be fired without license of Selectmen	115
STATE TREASURER, may prosecute suits in his capacity, in certain cases	262
to lay before Governor and Council annually, statement of warrants bal-	
ances, in Sheriffs' hands, and names of Sheriffs' sureties	402
to send warrants for assessing taxes to Sheriffs	*473
to issue warrant against delinquent assessors, for amount required	ib.
to issue warrant against towns and plantations when assessors are un-	
able to pay deficiency, in certain cases	*480, 481
to issue, warrant of distress against delinquent Constables	*491
may issue execution, at request of Selectmen, &c. against delinquent	
collectors	"492
may issue execution against Sheriffs, &c. in certain cases	"495
to give bond for fidelity, sum and condition	"745
fraud of clerks of, how punished	"747
when insane, disabled, &c. Governor to declare office vacant and ap-	
point commissioner of treasury	*746
account of monies in treasury to be taken in such cases and how	"747
to issue warrant to Justice of Peace to call meeting of, plantations not	
organized, when tax is to be assessed	"747
STATE, executions in favour and to use of, how to be issued, extended, &c.	285
mortgages to, how to be discharged and amount due liquidated	147
estates to escheat to, in default of heirs	142
when costs in favour of, in civil cases are received by Clerk, to be paid	
State Treasurer	422
to have inquest of office to re-vest, or become entitled to real estate in	
certain cases, by information of Attorney General, in S. J. Court	184
to be deemed in actual possession of lands, on judgment of reseizen	187
when owner afterwards appears, on what terms to be restored to estate	188
to have lien on real estate of persons under recognisance	339
STATEMENT, brief, to be filed by certain officers and others giving special mat-	
ter in evidence, under general issue	261
STAVES culling, &c. regulated	"676
STEELYARD, VIBRATING, of Dearborn and Hills, may be used, provided	"580
STEREOTYPE PLATES to be used for bank bills, and to be kept in vaults	"620
[See Banks.]	
STOCKHOLDERS, [See Insurance, Banks, &c.]	
STOLEN GOODS, owner of, how to be indemnified in certain cases	70, 71
to be restored on conviction, in certain cases	70
STONES, GRAVEL, &c. transportation of, in boats and lighters regulated	"763
STOVES, stove pipes and chimneys, penalty for suffering them to be defective	114
STRAY BEASTS and LOST GOODS, mode of proceeding with by finder	"573
[See goods lost, &c.]	
SUBPŒNAS for witnesses, form of, in civil cases	319
by whom to be granted	265, 357
may be granted by Justices of peace, in criminal cases, provided	354
SUMMONS to party sued by attachment, to be left 14 days before Court	254
original, mode of service [See service, &c.]	254, 255
STRIP AND WASTE pending real actions, prohibited [See waste.]	129.

SUIT [See Action.]	
SUNDAY [See Lord's day.] due observation of provided for	78
SURETIES ON PROBATE BONDS may be renewed, if Judge of Probate require it	220
may apply to Judge to be discharged in certain cases	221
may have process to compel principal to defend suit against them in certain cases	224
SURPLUS on sale of personal property, rights in equity, shares in companies, &c.	
on execution, by officers how disposed of	278—280
may be attached in such officers hands, or applied to satisfy other executions, and how	279
in cases of execution on foreign attachment to be paid principal	293
SURVEYORS OF HIGHWAYS, to be chosen by towns in March or April annually	*459, 514
penalty for refusing to serve when chosen	*514
general powers and duties	*514—523
may take gravel, &c. from uninclosed lands, to repair roads	124
answerable in damages to towns fined, in case	*518
to remove obstructions, nuisances, &c. in highways	*522
not to remove fences, lawfully erected to prevent spread of contagion	*523
of private ways, how chosen, powers, duties, liabilities	*525, 526
[See Highways.]	
SURVEYORS of lumber, when to be chosen, powers [See Lumber.]	"459, 674
SURVIVORSHIP in joint tenancy regulated [See Joint Tenancy.]	128
SWEARING profane oaths, penalty for	72
SWINE, regulations respecting	*567

T

TALISMEN may be returned in certain cases, by Sheriff or Coroner on juries	381
TALLOW CHANDLER [See Nuisance]	105
TAVERNS [See Licensed Houses.]	*587
TAXES, assessment and collection of, regulated	"470
Assessors of, to be chosen in each town annually, and sworn, form of oath ib.	
to assess polls and estates within town, of any tax laid, and commit list, with warrant, to Constable	ib.
to leave copy of assessment and valuation with town Clerk	"471
penalty for refusing to be sworn as, after being chosen, and how recovered	ib.
vacancy in office of, how to be filled	ib.
form of complaint against person refusing to be sworn as	ib.
Selectmen to be, in certain cases—pay of	*472
towns refusing or neglecting to choose, liable to fine, &c. and Court of Sessions thereupon to appoint Assessors	ib.
duty of such Assessors, when so appointed	ib.
warrant for assessing, to be sent to Sheriffs by State Treasurer, for distribution to Assessors	*473
Assessors, chosen or appointed, to obey Treasurer's warrants	ib.
forfeiture for delinquency and how collected	ib.
Assessors when deficient, others to be appointed by Court of Sessions	*474
plantations vested with same powers as towns in assessing & collecting	ib.
their Assessors subject to same duties and liabilities	ib.
in plantations not organized, mode of collecting State or county Assessors, &c. how to be chosen, their duties	*475
such, to call meetings of inhabitants in March or April	ib.
moderator to notify officers chosen, to take oath	*476
penalty for such officers neglecting	ib.
Assessors of, before assessing, to notify inhabitants to bring in list of polls and estates taxable, and may require oath thereto	ib.
persons aggrieved at assessment of, after refusal to abate may appeal to Court of Sessions	ib.
may be overrated by Assessors, not exceeding 5 per cent, on sum assessed	*477
rules for apportionment of	ib.
State and county, may be added by Assessors to other taxes	ib.
State, form of warrant for collecting, to be issued by Selectmen or Assessors and certificate of assessment	*478, 479
county, town and plantation to be same, <i>mutatis mutandis</i>	*479
when warrant for collecting is lost, Assessors to issue new one	ib.
towns neglecting to choose Assessors of, for 5 months after warrant from State Treasurer, to assess tax, what proceedings to be had	ib.

- TAXES**—State or county—when towns and plantations neglect to choose Assessors to assess sum required, State or county Treasurer may issue warrant to collect—warrant how to be executed *480
- State, when estates of delinquent Assessors are insufficient to pay, in certain cases required, Treasurer may issue warrant to levy same on towns and plantations deficient *480, 481
- towns may choose Collectors instead of Constables, and agree upon their compensation for collecting *481
- if Collector refuse, Constable to collect ib.
- warrant for collecting, from Selectmen or Assessors to Constable or Collector ib.
- Constable, &c. deceasing, Assessors to appoint substitute to collect remainder of, and require bond of such substitute ib.
- plantations vested with same powers as towns to choose Constables and Collectors of *482
- form of oath by Constables on Collectors of ib.
- persons refusing to pay, their goods may be distrained and sold *483
- mode of proceeding in such cases ib.
- body of person refusing to pay may be arrested after 12 days from demand, and in certain cases before ib.
- when payable by instalments and person taxed is about to remove, before whole payable, Collector may demand and levy the whole *484
- Collectors superseded may perfect collection of, committed to them . ib.
- of persons removing before paid, may be collected of them by Constable wherever found ib.
- of those who die, remove, or being female, marry before payment, may be collected by suit *485
- State, county or town, may be assessed on houses, lands, &c. improved to *tenants* or to *owner* if within the State ib.
- on unimproved lands of non-residents, or improved lands of proprietors, out of State, if not paid, to be advertised and how ib.
- if not then paid, Collector to sell so much as will pay taxes and charges, subject to right of redemption *486
- purchaser under such sale, not to commit waste ib.
- on improved real estate of owners living within the State, but not in the town where estate lies, if not paid within six months, owners' goods or body may be taken, wherever found, or may be sued *486
- Assessors, how to proceed in such cases ib.
- or officer may sell such real estate at auction after notice 2 months . ib.
- if such real estate cannot be divided, officer may sell undivided part *487
- real estate sold for, at auction, may be redeemed by owner ib.
- purchaser in such case to account for profits ib.
- such sale not to be made by officer after two years from the date of his warrant ib.
- on non-resident lands, if owner have an attorney duly notified as such, he must be called upon before such sale ib.
- what shall be evidence of notice to such attorney respecting *488
- Collectors of, may require aid if necessary ib.
- may require aid out of their towns when necessary ib.
- when taken in ex'n, towns may choose substitutes to finish collect'n *497
- may be collected by Sheriff when towns, &c. neglect to choose Collectors *498
- of prisoners discharged under poor debtors' oath, to be paid by towns *500
- Collector to pay in such case, if not committed within one year ib.
- towns may appoint Treasurer Collector of, and he may have deputies . ib.
- may allow discount on taxes of such as voluntarily pay to town treasurer within certain periods by instalments *501
- if not so paid, to be collected in common form ib.
- assessors how to proceed in such cases ib.
- when estates of individuals are taken for delinquency of towns, &c. in regard to, mode and nature of indemnity *502
- for support of schools in towns and plantations, amount to be raised *503
- how to be assessed & collected *507
- [*See Schools.*]
- for making and repairing highways, how to be raised, assessed *515, 517, 519
- for making and repairing roads through unincorporated tracts of lands how assessed, advertised, &c. [*See Highways.*] *521, 522
- on pews of parishes, or religious societies, how assessed *594
- such taxes may be paid to each one's own designated religious teacher, unless ib.

TAXES —persons ceasing to be members of religious societies, liable thereto for all monies voted	*595
when Constable or Collector of, is about to remove, &c. before time of payment, mode of settlement with him, by towns, &c. and discharge	*489
in such cases, towns to choose another to finish collection of	*490
to be paid in full, although estates be insolvent	203
payment of, how enforced by county Treasurer	421
on Banks to be paid semi-annually, and how enforced	*623
of proprietors of common and general fields regulated	167
certain goods and chattels exempted from distress for payment of,	*688,702,414
evidence of notice by officers of sale of lands for payment of, what legal	*502
TEAMS [See Turnpikes.]	
TENANT in possession, writ of review to be served upon, when defendant out of State	254
in real actions, and dower, &c. writ to be served upon	255
not to commit waste, pending actions respecting title	129
of freehold with remainder man, may convey whole estate in fee, and how	132
— may apply to S. J. Court for license to cut trees	127
in tail may convey his estate in fee, by legal forms	132
— his estate liable for payment of debts	133
by the curtesy, who shall be	143
TENANTS in common, what grants shall constitute	128
— not to commit strip and waste	129
— not to cut timber, &c. without written notice, 40 days previous, to all co-tenants	128
— penalty for such cutting, &c. how to be sued for and recovered	ib.
— and joint tenants, may be compelled to divide	133
— may petition, or sue writs of partition	133,134
holding over term, liable to process of forcible entry and detainer	365
in what cases to be assessed for taxes	*485
must attach to creditor on execution, levied on rents and profits for life, or in remainder, or reversion may be licensed to cut timber	282
TENDER of amends may be made by defendant, on plea of disclaimer, and effect thereof	126,127
made by executors and administrators to suits brought within twelve months, effect of	259
THEFT , punishment of	235
prosecutors for, may be allowed reasonable compensation	63
persons convicted of, may be sold in service, in certain cases	69
— charged with, in what sums to be recognized, [See Larceny.]	70
TICKETS , in lotteries not authorized by law, sale or purchase of prohibited	71
[See Lotteries.]	116
TIMBER AND CORD WOOD , waste and destruction of, prevented	126
persons seized of freehold, remainder, &c. may apply to Supreme Judicial Court for license to cut	ib.
leave to cut may be granted on such terms, as Court may require	127
commissioners to superintend cutting, to be appointed by Court	ib.
such commissioners to give bond, and render account to Court	ib.
proceeds of such sale to be invested in real estate or stocks and income paid to those interested	ib.
Trustees may be appointed by Court to hold and manage such stock	ib.
in rivers, [See Logs, Masts, &c.]	*749
TIME not juridical [See Lord's day.]	74
TOBACCO inspection of, regulated	"658
not to be exported, unless inspected by inspectors duly appointed	"659
to be forfeited if laden, with intent to export contrary to law	"660
penalties for violations of regulations, &c. relating to inspection	"660,661
TOLL , for grinding grain, &c. not to exceed one sixteenth part thereof	178
[See Turnpikes and Mills.]	
TOOLS , conveyance of, to prisoners to aid escape, punishment of	449
TOWNS , boundaries of, established, and to be renewed every five years	"464
inhabitants of, bodies politic, and may sue and be sued	"463
writs against to be served thirty days before return day, and how	255,"463
agents for, how to be chosen and certified	"463
inhabitants of, competent witnesses in case where town is interested	395

- TOWNS**—officers to be chosen by,—at their annual meetings in March or April. 76, 117, *459, 674, 583, 566, 560, 531, 159, 481, 500
- neglecting to choose assessors or Selectmen, to be fined; and Court of Sessions to appoint, with powers, &c. their charges how paid *472
- neglecting to choose assessors for 5 months after receiving warrant for tax from State Treasurer, what proceedings to be had "479, 480
- inhabitants neglecting to choose assessors, &c. State or county Treasurer may issue warrant to Sheriff to collect tax *480
- may choose collectors instead of Constables and agree upon compensation for collecting taxes "481
- substitute to finish, when former collector is taken in execution "497
- neglecting to choose collectors, taxes may be collected by Sheriff, &c. and how "498, 499
- may appoint their Treasurer collector of taxes, and he may appoint deputies "500
- may agree to abate part of taxes, to those who voluntarily pay Treasurer within certain periods "501
- may be compelled to indemnify individuals whose estate is taken for neglect of, in regard to collecting taxes "502
- to raise and expend annually for schools to amount of 40 cents each inhabitant "503
- to choose school committee and agents for school districts, with powers "504
- Selectmen of, to furnish school books, at expense of, in case "505
- may determine number and bounds of school districts "506
- may assess money in school districts, for building, &c. when they neglect "503
- dissatisfied with laying out highways, may apply to Sessions, for committee or jury "511
- to approve of ways laid out by Selectmen for town use "512, 513
- refusing to lay out private ways, what proceedings to be had "513
- to raise money for repairing highways, and direct how to be assessed "515, 519
- liable in damages to travellers injured by bad roads "518
- when fined for bad roads, to be indemnified by surveyor in case, &c. ib.
- to cause guide posts to be erected "526, 527
- to support all paupers having settlement therein, and raise money therefor "531
- having supported poor prisoners, may recover expense, of creditor who committed them "538
- to indemnify individual for relief of pauper, in distress, in certain cases "544
- may recover expense of supporting pauper, of him or his representatives ib.
- may erect work houses for reception and employment of idle and indigent "546
- choose overseers with powers, duties, &c. ib.
- several, may join in building such house, proceedings therein "547
- [See work houses.]
- may discontinue such houses, when requisite "551
- watches and wards may be established in, by Selectmen with Justices "552
- may establish and agree upon pay of watch in another mode, by tax "553
- to provide superintendants and money to inoculate with kine pock "555
- may choose health committee or health officer annually "560
- to keep and maintain sufficient pounds "566
- may restrict neat cattle from going at large in particular places "567, 573
- how to settle with collectors, when about to remove "489
- and to choose another to finish collection "490
- to make up deficiency of negligent or delinquent collector, to State Treasurer "492
- how to provide ferrymen, when river is boundary between them "770
- at legal meetings, may raise monies, make rules, bye-laws, &c. "463
- to approve or revise doings of Selectmen relating to Jury boxes "378
- TOWN CLERK**, to be chosen in March or April annually "459
- to give list of officers chosen to Constable to notify them thereof "460
- administer oath to town officers, and make record thereof ib.
- duties of at meetings of towns, for choice of State officers "468
- as to lost goods, stray beasts, &c. "573, 574
- may administer oath to commissioners, appraisers, &c. in certain cases "209
- to publish intentions of marriage, and furnish certificate thereof "341
- record births and deaths within his town "596
- record and return to Common Pleas list of licenses to retailers "586
- to have custody of Jury box, duties relating to "378
- TOWN OFFICERS** to be chosen in March or April annually, how sworn, &c. penalty for refusing to be sworn, &c. after notice of choice "459, 460
- [See Assessors, Selectmen, Fire wards, &c.]
- certain of, to be chosen by ballot "460
- not bound to plead specially in actions against them as such "261

INDEX.

lxxxviii

TOWN OFFICERS—vacancies of, how to be filled	*461
TOWN MEETINGS for choice of town officers to be held in March or April	"459
qualification of voters in, for town affairs	ib.
proviso as to voting on parochial questions	ib.
penalty for officers chosen at, not appearing to take oath, after notice	"460
power and duty of Moderator in	"461
Moderator of, may administer oath, in certain cases	"462
— or Selectmen not to permit inspection of votes before poll is closed	ib.
how to be called, and what to be acted upon thereat	"462, 465
may be called by Justice of Peace, in certain cases	"462
for drawing jurors, how to be notified	386
TOWN MEETINGS for choice of State officers, how called, regulated	*465
where inhabitants exceed 500, may be opened before 11 o'clock, otherwise not	ib.
persons not allowed to vote in, until names are found on the list, by	
— Selectmen	*466
for choice of County Treasurer to be on 2d Monday of September	420
TOWN TREASURER, to be chosen in March or April annually	*459
may sue and prosecute actions on securities given to predecessor	262
may be appointed collector of taxes, and have deputies	*500
when Collector, may issue warrants of distress against delinquents	"501
— powers to enforce collection of taxes in school districts	"507
to procure standards for weights and measures, and seal	"577
to cause standards to be proved by State or county standard once in 10 years	ib.
together with Selectmen, may grant licenses to retailers, innholders	"586
may issue warrant of distress against delinquent Collectors	*493, 494
— — and Sheriffs also, in case	*495
— — form of such warrants, how collected	*493, 495
TRANSPORTING inhabitants of this State to places within or beyond, against	
their consent, prohibited, unless	102, 103
minors, apprentices, &c. without consent of parents, prohibited	103
TRAVELLING on Sunday prohibited [See Lord's day.]	73
TREASON, what shall constitute defined	23
proceedings on trials for, regulated	23, 51, 52
concealment and misprision of, definition and punishment	51
persons indicted for, to have copy of indictment and list of jurors furnished them two days before trial	ib.
— to have compulsory process for their witnesses, and	
council to be assigned	23, 52
evidence necessary to conviction of,	ib.
prosecutions for, limited to three years	52
TREASURERS of State, county, town, parish, &c. powers, duties	262
[See State, County, Town, &c. Treasurer.]	
TREES, of the forest, destruction and waste of, prevented	126
license to sell and cut may be granted for benefit of reversioners, &c. on conditions and restrictions [See Timber.]	ib.
TRESPASS, when title to real estate is set up in actions of, before Jus. of Peace, proceedings to be removed to Common Pleas, and how	356
may be maintained against owners of cattle, for injuries, or cattle may be impounded, if fence be sufficient	*568
TRESPASSES, of various kinds made penal, and how punished	123
by destroying milestones or monuments, penalty for and how recovered	124
of certain kinds, committed by night or in disguise	ib.
by entering on grass land, orchard, &c. without leave of owner, with intent to destroy fruit, grass, &c.	125
by cutting or mutilating fruit or ornamental trees	ib.
— committing such, by night or on Lord's day	126
prosecutions for, limited	ib.
damages done by, to counties, towns and parishes, in their buildings or property, remedy for, by suit	125
in common and general fields, how estimated	168
when involuntary, &c. amends may be tendered	259
TRIALS, in criminal cases, to be speedy and impartial	23
persons held to answer in, to have copy of indictment	22, 23
— to be confronted by witnesses and to have compulsory process to obtain them, on their behalf	23
in capital cases, not to be had, but on indictment, unless	23
of persons standing mute, when charged with capital crime, how conducted	266

U

UNITED STATES prisoners, committed by Judicial authority, to be received and detained in county gaol	451
UNWHOLESOME PROVISIONS, punishment for selling	104
USES charitable, &c. donations and conveyances to be regulated	153
USURY, excessive, prohibited—penalty for taking, and mode of recovery	98, 99
bonds, mortgages, &c. made to secure, void	99
USURIOUS contracts, defendant's oath allowed to prove, unless	99, 100
maritime contracts and letting of cattle, &c. not to be deemed	100

V

VAGABONDS, rogues, idlers, &c. may be sent to house of correction	452, *543
VESSELS wilful destruction of, by owner, or his direction, within body of county	
how punished	87
party injured by such destruction may still have action for damages	ib.
fitting out, with intent to be cast away, &c. fraudulently	ib.
owners or master making or procuring false documents, with intent	87, 88
owners of, how far liable for embezzlement of master or mariners	92
charterer of, when to be considered owner in case	93
when with cargo and freight insufficient to compensate freighters in certain cases, what proceedings to be had	92
freighter or owner entitled to bill of discovery in S. J. Court for goods embezzled	93
when shipwrecked, penalty for secreting or intermeddling with	90
pilotage of, regulated	*770, 771
master of, may pilot his own	*771
having oysters on board, without permit, liable to seizure	*775
masters of, having passengers not settled in this State, to leave names with overseers and give bond to indemnify before landing	*546
masters of, when contagious sickness is, or has been on board, to answer questions of Selectmen on oath, when required, under penalty	*559
subject to quarantine, to anchor below towns, under penalty	*561
when to be subject to quarantine laws and regulations	*562
master of, violating such laws penalty	ib.
VENDUE, sale of goods at, regulated	*590
no person to sell at, unless licensed by Selectmen	ib.
or by Sessions, if Selectmen unreasonably refuse	ib.
license not to be required of officers directed by law to sell at	*591
goods to sell at, not to be received from minor or servant	ib.
occupants of house liable for unauthorized sales at	ib.
sales of real estate at, by executors, administrators, and guardians, may be adjourned, not exceeding 14 days	232
adjournment of,	273, 275
[See <i>Executor, Administrator, Guardian, Officer, Execution, &c.</i>]	
VENIRE must be truly laid in all qui tam, and criminal prosecutions [See <i>Actions.</i>]	267
VENIRES for jurors, when to issue; how to be served, returned	379—381, 384
[See <i>Jurors.</i>]	
VERDICT of jury on inquest of Coroner, form and manner of return	412
VIBRATING steel yards of Dearborn and Hills may be used, provided	*580
[See <i>Weights and Measures.</i>]	
VICTUALLER common, how licensed [See <i>Licenses.</i>]	*586
VIEW by Jury in real actions, may be allowed	386
VIEWERS and cullers of hoops, how to be appointed	*674, 676
[See <i>Lumber, Hoops, &c.</i>]	
VOLUNTARY escape of prisoners suffered by gaoler, how punished	448
[See <i>Sheriff, Gaoler, &c.</i>]	
VOTES for Senators, to be required for whole number on one list	*466
not to be received by presiding officers at town and plantation meetings, contrary to law, under penalty	*467
not to be received unless in writing and delivered by person voting	ib.
VOTERS in town and parish meetings, qualifications of	*459
lists of, how prepared, revised, &c. to be used in town meetings	*464
for State officers, not allowed to vote, until their name shall be found on list by Selectmen	*466
VOTING double, penalty for	*467, 469

W

WARDENS of Episcopal churches capable of taking in succession graints to pious uses	153
WARRANTS to Collector of taxes by Assessors or Selectmen, form of	*478, 479
new to be issued in case original is lost	*479
from State and County Treasurer for collecting taxes to Sheriff in case of deficiency in towns, or assessors	*479, 480
WARRANTS of distress, may be issued by town Treasurer when appointed collec- tor in case	*501
by Court of Sessions for damages in laying out highways	*512
by State Treasurer against delinquent Constables	*491
by county, town and plantation and parish Treasurers, against deficient Collectors, and form of	*493, 494
to be returned to Treasurer by whom issued, and if unsatisfied may be renewed	*495
how and by what officers to be executed, in different cases	*495, 496
may issue against corporations for damages assessed by jury or com- mittee, and be served as executions	275
against delinquent Assessors to be issued by State Treasurer	*473
WARRANTS for assessing taxes to be transmitted by State Treasurer to Asses- sors of towns	ib.
of distress from Treasurers, against delinquent Sheriffs	*495
mode of executing	*496
from Justices to be served by Sheriff, deputy, Constable, &c.	355
from Coroners to take inquests on dead bodies, form of, how served	410
of survey on vessels, may be granted by Notaries	424
of death to be issued by Supreme Executive	268
WARRANTY OF BOOTS, SHOES, &c. what shall be considered, by makers	*684
WASTE, in timber and cord wood prevented	126
by tenants in common and others prohibited	128
not to be committed by defendant, pending real action against him	129
in executors or administrators, what shall be so deemed	206, 207
proceeding on suggestion of, by scire facias against executor or admin- istrator, in Common Pleas, and before Justice	235, 357
[See <i>Executors, &c. Timber, Tenants, &c.</i>]	
WATCHES and WARDS in towns, how to be established	*552
to be established by Selectmen and Justices of Peace residing in town	ib.
persons liable to watch, number to be selected, places where	ib.
to be notified by Constable	*552, 553
may be supported by town in some other mode, by tax in case	*553
qualifications of, other than Constable's watch, to be agreed upon by towns, in case	ib.
penalty for neglect to appear on, when warned	*554
of duty respecting, by Constable	ib.
Justices, &c. walking grand rounds, to be attended by Constable of,	ib.
gaoler's fees for committing persons taken up by	ib.
WATER FENCES, how to be maintained by opposite parties [See <i>fences.</i>]	163
WAYS town and private, to be laid out by Selectmen and approved by town	*512, 513
may be discontinued by town	*513
damages to persons injured by, how settled	ib.
when Selectmen refuse to lay out, or towns refuse to approve, appli- cation to be made to Court of Sessions	ib.
private, proprietors of, may call meeting, choose Clerk, surveyor, &c.	*524
mode of proceeding to repair	*525
penalty for surveyor's refusal to serve, neglect, &c.	*525, 526
proprietors may raise money, assess and collect taxes, for such purpos- es, as in case of highways [See <i>Highways.</i>]	*525
WEIGHERS of beef, to be sold in market, to be appointed by Selectmen, with powers	*636
WEIGHTS and MEASURES, former standards of continued	*575
State Treasurer to procure public standards of,	ib.
county Treasurer to procure standards, conformable to State standards, and have them proved thereby every 10 years	*576
town treasurer to procure standards conformable to State	*577
sealers of, to be appointed by Selectmen, annually, and to be sworn	*577, 578
to give notice of time and place when they will attend to seal &c.	
in month of May	*578
to visit houses, stores, &c. to prove weights	*579
to keep town standards after being sworn	*578
seal for, to be procured by town treasurer	*577

INDEX.

xcii

WEIGHTS, &c. of Banks; to be sealed in June annually	*579
and measures of counties to be sealed once in ten years	*580
penalty for using when not sealed	ib.
WHARVES, LANDS, &c. lying in common, mode of management	154
[See Proprietors.]	
WIDOW to have dower in estate of husband where she has not joined in conveyance	131
may waive provision in husband's will, and claim dower	142
dower secured to, in different cases	131, 142, 143, 149
entitled to one third of rents, income, &c. where husband dies seized,	
until dower shall be assigned	150
nature of estate and how to be endowed	281, 150
alienage of, no impediment to dower	150
to have dower assigned within one month, after demand of heir	149
entitled to damages and writ of dower if not so assigned	150
to be allowed by Judge of Probate necessities out of personal estate	
in settlement of estates, whether solvent or insolvent	143, 210
and to further allowance, if estate prove solvent in case	211
to have allowance in estates testate and insolvent	ib.
in insolvent estates	143
entitled to administration on husband's estate	193
one third of personal estate of husband, after payment of debts	143
one half if there be no children	143
whole if there be no kindred	ib.
reversion of dower may be divided among heirs and when	210
may be sold for benefit of creditors, when estate is insolvent	204
interest of, in dower may be purchased by guardian, for benefit of minors, in case	213
WIFE may be authorized to sell her real estate, for certain purposes, when deserted by her husband	251
[See married woman, also divorce.]	
WILLS, what persons capable of making	137
how to be executed, attested, or revoked	138
nuncupative—how and when to be proved	138, 139
to be filed in Probate office within thirty days from death of testator	196
may be approved by Judge in certain cases, on testimony of one or more witnesses	197
depositions of witnesses to, may be taken by <i>dedimus</i> from Judge of Probate, in certain cases	ib.
witnesses to, who may be competent and legal	139, 140, 141
posthumous children not provided for by, to have share, as if intestate	141
children not named by father, &c. to have share	ib.
estate not devised by, to descend as intestate	142
proved in foreign Courts, copy of may be filed and recorded in Probate office of county where estate devised lies	197
notice to be ordered by Judge, before directing record of to be made	198
appeal allowed from such order of Judge	ib.
proviso as to effect and operation of such wills	198, 199
legatees and devisees to make contribution in certain cases	141
widow may waive provision under, and claim dower	142
WITHERNAM, writ of, when to issue in cases of replevin and <i>homine replegiando</i>	318, 368
forms of, in cases	315, 318
WITNESSES when summoned in civil cases, and fees tendered, to appear under penalty of attachment	265
amount of fees to be tendered	ib.
by whom subpoena for, to be issued	265, 357
not to be summoned in criminal cases, in behalf of State, by Justices, unless	371
to testify before Grand Jury, may be sworn by foreman, in presence of Attorney for State, and list of to be returned into Court	384
not disqualified in cases where counties, towns, corporations, &c. of which they are members or inhabitants, are interested, unless, &c.	395
to be summoned by coroner, taking inquest of sudden deaths	410
may be recognised by coroner, where felony appears to be committed	411
certifying falsely as to travel and attendance, penalty for	440
may be compelled to appear in behalf of persons indicted for treason and other crimes	23, 52
persons convicted of perjury, &c. not to be admitted as	86

WITNESSES to wills, who may be competent and legal	139, 140, 441
— devises to them, void	139
— when legatees, if legacy be paid or refused, to be competent	140
— when creditors and their debts are charged on real estate, to be competent	139
— when legatees, and deceased, to be deemed legal	140
refusing to appear before Judge of Probate, how punished	226
mother of bastard child admitted as—in case	348
two, necessary to convict of treason [See Evidence.]	23, 52
WOMEN [See <i>feme sole, married women, &c.</i>]	
WOOD for fuel, measuring of, regulated	*681
measurer of, to be chosen by towns in March or April	*459
[See <i>Timber, Fuel, &c.</i>]	
WORK HOUSES for reception and employment of the idle and indigent, to be erected by towns	*546
overseers of, to be chosen by towns, their powers and duties	ib.
several towns may join in building	*547
mode of choosing officers, and managing concerns of such	ib.
officers to meet at quarterly	ib.
other meetings of officers may be held, proceedings	*547, 548
compensation of master and assistant of, to be borne by towns concerned	*548
any two overseers may commit by warrant, such as are liable to be	*459
no town to send more than its proper share to	ib.
idle or indigent foreigners may be sent to and employed at	ib.
general description of persons liable to be sent to and governed in	*549
overseers to keep a fair account of charge of supporting foreigners to be laid before Legislature for allowance	*550
penalty for town neglecting to provide its proportion of furniture, materials, &c. at	ib.
towns may furnish for, more than its proportion of materials in case	ib.
master of, to keep distinct account, and to be answerable for prime costs as well as profits, to keep register	ib.
overseers to settle accounts, &c. of master, at general meeting	ib.
towns liable to support at, such only as were sent by their overseers	*551
persons committed, how to be discharged from	ib.
profits of labour at, how divided	ib.
may be discontinued by towns, when	ib.
WORSHIP public, penalty for disturbing, indecent behaviour at	75
WRECKS [See <i>Commissioners of Wrecks.</i>]	
WRECKED property, penalty for secreting	90
WRIT OF DOWER, widow entitled to, if not assigned to her, within one month	149
of Habeas Corpus, persons restrained &c. entitled to, and how to obtain	321
— — — may be granted by Supreme J. Court, or any Judge thereof and how and when returnable	322
— — — not to be granted to persons confined for certain offences	ib.
— — — form of, in different cases	322, 323
— — — persons discharged by, not to be again restrained for same cause, unless	326
of partition at common law, tenant in common entitled to	134
ou Probate bonds to be endorsed with name, &c. of party interested	224
against executors and administrators, not to run against their bodies &c. but against estate of deceased in their hands, unless for waste	235
of certiorari, mandamus and prohibition, may issue from Supreme J. Court to inferior tribunals	242, 243
in Supreme J. Court to hear test of first Justice, seal of Court and signature of Clerk	243
WRITS OF ERROR, may be prosecuted by and against administrators de bonis non, in certain cases	236
not to be sued on judgment, &c. after twenty years	300
of review, how to issue and be prosecuted, when granted on petition	248, 249
original to be endorsed by, plaintiff or attorney, and their liability	257
circumstantial errors in may be amended without cost, on motion	259
of review, where either party dies, while pending, what proceedings to be had	262
in foreign attachment, where to be made returnable, mode of service	286, 287
of right limited to—30 years	
ancestral or possessory to—25	
on demandants own seizen to—20	
— formedon, &c.—to 20	295, 296

INDEX.

xciii

WRITS OF ERROR,—proviso as to infants, femes covert, &c.	296
of summons, capias, attachment, &c. may be granted by Justices of the Peace—how served, and proceedings thereon	355
on Sheriffs' and Coroner's bonds to be endorsed by party interested	403
in personal actions to amount of \$100 may be served by Constables after giving bond	468
may be served by Coroners, in cases where their towns are parties	413
against towns, &c. to be served thirty days before Court	255, 256, 269, *468
— turnpike corporations, how served	*603
of attachment and summons on defendant mode of service	254
of original summons, review in real actions, where defendant is out of, or was never inhabitant of State, in dower, real actions, in suit on joint contracts, where one or more defendants live out of State, against towns, proprietors, &c. mode of service	254, 255
and processes, not to be served on Lord's day	75
of homine replegiando, when and how to issue	329, 330
of scire facias against bail, in civil actions, when and how allowed	333
[See Bail.]	
of scire facias for waste against executor or administrator how, &c.	235
of scire facias in foreign attachment, in case, &c.	291, 292
[See foreign attachment.]	
WRITS, and other process, forms of prescribed	301
— by original summons	ib.
— by capias or attachment	302
— by summons when goods are attached	ib.
execution	303
habere facias possessionem	ib.
scire facias on judgment	304
in cases before Justices of the Peace	305
— summons for appearance	ib.
— capias or attachment, and summons	306
— execution, and scire facias on judgment	307
of dower and seizen of dower	308
original, in foreign attachment	309
execution, in ditto	310
in audita querela, attachment and summons, and original summons	311, 312
of replevin for cattle impounded	312
— goods taken, &c. claimed by third person	313
of restitution, from Justice of the Peace	314
of withernam	315
for replevying person lawfully committed	316
— committed without order of law	317
of withernam in hom. repleg. original and alias	318
habeas corpus, in different cases	322, 323
of subpoena for witnesses in civil causes	319
writ or warrant to summon jury in forcible entry and detainer	ib.
summons to party complained against in ditto	320
of restitution, — in ditto	ib.
of execution on debts acknowledged before Justice	360

Y

YOUTH, instruction and education of, provided for [See Schools.]

*503

INDEX TO THE APPENDIX.

— 00 —

B

BANKS, rules and limitation of	831
BOWDOIN COLLEGE established at Brunswick	846
charter of made liable to alteration, limitation, &c.	852
charter altered, by Legislature	853, 854
grant to, of \$3000 annually, until, &c.	854
medical school established, and grant for	856
BRIDGE, &c. over Presumpscot river authorized	870

C

COLLEGES, [See Bowdoin and Waterville.]	
COUNTY of York divided	842, 836
Cumberland incorporated and bounded	836
— and York divided	842
Lincoln, incorporated and bounded	837
— divided, &c.	837, 840
— boundaries altered	839, 841
Hancock, incorporated and bounded	838
— boundaries altered	839
— divided	846
Kennebec, incorporated and bounded	840
limits altered	842
divided	843
Washington, incorporated and bounded	839
Oxford, incorporated and bounded	843
Somerset, incorporated, &c.	843, 844
— west line established	843
Penobscot, incorporated, &c.	846
York and Cumberland, doings of certain officers in, made valid	843
CESSION of Jurisdiction of certain lands to United States, viz.	
land on Franklin Island at mouth of George's river	861
White Head in Penobscot Bay	862
Quaddy Head	863
Island of Seguin	863, 864
House Island and Spring Point	865
Boon Island near York harbour	866
Petit Menan	ib.
CONFIRMATION of doings of Coroners in Hancock and Lincoln counties	862
Sheriff Hunnewell	869
Justices of Peace in certain cases	ib.
Courts of Sessions in counties of Lincoln, Hancock,	
Somerset and Washington	871, 872
certain officers in Somerset county	845
COURTS, Supreme Judicial, jurisdiction of	867

D

DOINGS of certain officers, &c. made valid [See confirmation.]	
--	--

G

GAOL in Eastport, provision for erecting, &c.	870
---	-----

I

INCORPORATION [See County.]	
-----------------------------	--

P

PRESUMPCOT bridge and road authorized	870
---------------------------------------	-----

R

RULES, LIMITATIONS, &c. of banking institutions	831
---	-----

S

SEPARATION of Maine from Massachusetts, Act relating to,	817
STATE BANK, incorporation of,	829

W

WATERVILLE institution incorporated	856
where to be located	860
powers enlarged and name altered	860, 861
College established	861
grant to, of \$1000 annually until, &c.	ib.