

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

S T A T E O F M A I N E ;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. II.
.....

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

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

INDEX.

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 [*].

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	" 598, 599
execution against, how levied and satisfied	284
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 publication 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 solemniz-	
ing	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,</i>	
<i>Butter, &c.</i>]	
— to give notice of births, deaths, &c. to town Clerk	" 596

INDEX.

iv

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.	" 468
libraries how established and organized	" 612
MILITIA—	
Absolute exemptions	*698, 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	" 699
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	" 728
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
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	" 718
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
Enginemmen 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	" -13

* 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 -23
 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 *688, 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, 639, 690, 692
 disorderly behaviour *28
 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	" 688
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	" 733
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
Seignor 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	" 706
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 empannelled, 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 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	228
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 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 cut and brads how to be packed and branded	*671—673
attempted to be sold without inspection, penalty	*672
returns of inspection to be made to Secretary of State, in May	ib.
NEAT CATTLE, may go at large, at any season, unless restricted by vote of town	*673
NON COMPOS persons, insane, lunatics, &c. [See <i>guardians.</i>]	*567
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, 38

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 perpetuum	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	233
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	198
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 Clerks	*460
of inspectors of beef, pork, pot and pearl ashes, &c. [See <i>inspectors</i> , &c.]	
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
[See <i>limitation, actions real</i> , &c.]	
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 [See <i>Clerks, Sheriffs</i> , &c. and <i>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	440
OFFICERS, civil or military, &c. when sued for misfeasance, &c. may give special master in evidence under general issue, filing brief statement	261
to direct at fires, in absence of fire wards	*583
of towns, &c. [See <i>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 <i>vendue</i>	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	279—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	360
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	872
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
PAGEENTRY 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

INDEX.

lxv

PARTITION —when petitioner is proved to own less than he claims, cost to respondent	135
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
[See <i>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
[See <i>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	66
— 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	954
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.]	387, 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, mittimuses, &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	*488, 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	*518
— 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		*498 489
— 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		*657
— 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. vending 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	615
[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 appraisment	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'ns 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	223
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

INDEX.

ixix

PEWS 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	*568
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 sub-	
ject to same liabilities and duties as towns, relating thereto	" 519
to provide superintendants and money for inoculating with kine pock	" 555
how to proceed in settling with collectors, about to remove, &c. in cer-	
tain cases	" 489
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	322
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, 538
children of, may be bound as apprentices or servants by overseers, with provision by indenture for their instruction	538
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 geol. 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 <i>Overseers and Work Houses.</i>]	
POOR PRISONERS [See <i>preceding articles. See also Prisoners</i>]	
PORK , inspection of, regulated, Inspector and deputies how appointed	"623
[See <i>Beef and Pork.</i>]	
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 <i>limitation and actions real.</i>]	
POSSESSORY TITLES to real estate, may be attached and sold on execution	278
POSTHUMOUS CHILDREN to inherit their share in estate of fathers [See <i>Wills.</i>]	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	ib.
&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.
FOUND , 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	"568
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	333
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.
[<i>See Bail, scire facias, &c.</i>]	
PRINTED copies of private acts and resolves, by authority, competent evidence	264
[<i>See 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
[<i>See Convicts.</i>]	
PRISONS regulation and management of, [<i>See 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
[<i>See highways and ways private.</i>]	
PROBATE BONDS, [<i>See 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.	192
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 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, 199

PROBATE COURTS—Judge to require bond of executor to return inventory &c. or if executor be residuary legatee, to pay debts and legacies	198
to allow none to act, where there are divers executors, but those who give bond	199
to take bond of executor living out of State, on filing copy of will	ib.
to direct notice of appointment to be made by executor, and administrator—evidence of such notice how perpetuated	199, 200
to remove executors or administrators, neglecting to account, becoming insane, unsuitable, &c.	200
not to grant administration originally after twenty years, nor de bonis non, where personal estate or debts do not amount to 20 dolls.	201
may take submission of disputed claims of executor or administrator on agreement of reference between them and heirs, in writing	ib.
to appoint committee to appraise income of real estate, in hands of executor or administrator, to be accounted for	202
may compel by citation, persons suspected of embezzlement of goods of persons deceased, to disclose on oath	ib.
may punish by commitment, persons refusing so to disclose	203
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	ib.
such division or partition, accepted, recorded, to be binding and conclusive, unless appealed from	208, 209
may order such division as to whole or in part	209
to appoint guardians to minors, &c. and agents for persons absent and order notice to all interested, before ordering such partition	208, 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
PUBLICATION for marriage, and certificates regulated [See <i>Marriage</i> .]	341, 342
PUNISHMENT OF CRIMES, MISDEMEANORS, &c. of treason, misprision 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 day or night time	ib.
— public buildings, stores, barns, &c. in night time or being accessory before fact	58
for burning public buildings, stores, &c. in day 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 day time by breaking, with intent	ib.
— committing larceny in dwelling house, shop, office, &c. by day, 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
— riots, 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	843
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	*566
RAPE, how punished	.56, 57
accessaries 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,	330
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, 236
— franchises of corporations sold on execution, when and how	274
— rights in equity, pending attachment, effect thereof	269
— possessory titles sold on execution	276
— estate in rents and profits levied upon, how liquidated	282, 283
— land of non residents and others sold for taxes	*487, 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 delivered 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 certain 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 attorneys, 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	*508
amount of money to be raised and expended for, in each	ib.

SCHOOLS instructors of, duty and qualifications required	" 502, 506
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	199
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	226
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 leather to be appointed, annually in towns	"577 to 579
[See weights and measures, and leather.]	"459
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.	
and certify to Judge of Probate, if they require guardian	214, 216
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	255
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 interest	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, mittimus, &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 hogshead, 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
SHORES [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 Selectmen by flags, &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 balances, 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 unable 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 appoint 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	"474
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 revert, 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 matter in evidence, under general issue	261
STAVES culling, &c. regulated	"676
STEEL YARD, 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.]	
SUBPÆNAS 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	73
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	*537

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	ib.
	— 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 *486
- 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's 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	282
for life, or in remainder, or reversion may be licensed to cut timber	126,127
TENDER of amends may be made by defendant, on plea of disclaimer, and effect thereof	259
made by executors and administrators to suits brought within twelve months, effect of	235
THEFT , punishment of	63
prosecutors for, may be allowed reasonable compensation	69
persons convicted of, may be sold in service, in certain cases	70
— charged with, in what sums to be recognized, [See Larceny.]	71
TICKETS , in lotteries not authorized by law, sale or purchase of prohibited	116
[See Lotteries.]	
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 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 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 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.

lxxxvii

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

TRIALS, of persons indicted for felony & in prison, to be at first term unless bailed	267
to be at second term, unless	267
of persons accused, in criminal cases may be conducted by themselves	
and counsel, or either	22
in cases of treason and misprision of treason, how conducted	23, 51, 52
in cases of usury pleaded in civil actions, how conducted	99
on petitions for partition, when facts are contested, how	135
on review granted by petition, how to be conducted	248, 249
TRUSTEE, [See foreign attachment.]	286
TRUSTEES of estates of minors, and others, appointed by will, to give bond to the Judge of probate—condition thereof	217, 218
exception as to certain cases, where bond not required	218
refusing to give bond, may be removed, and others substituted by Judge	219
may resign, in certain cases, by permission of Judge	ib.
vacancies—occasioned by death or otherwise, may be filled by Judge	ib.
may be removed by Judge, when becoming disqualified or unsuitable, and others substituted by him	220
bond to be required of those substituted	ib.
suits on their bonds regulated	226
to be appointed by Supreme J. Court, to manage proceeds of sale of timber licensed to be cut, for benefit of remainder or reversionary heir	127
such trustees to give bond [See Timber.]	ib.
TRUSTS—cases of, arising under deeds, wills, contracts, &c. to be determined in equity, by S. J. Court	189
process, rules, &c. to be adopted by S. J. Court to compel performance	ib.
decrees in Probate Court, relating to, may be appealed to S. J. Court	223
costs in such cases to be regulated by S. J. Court	ib.
TRUTH may be given in evidence by defendant in prosecutions for libels, in cases	22
TURNPIKE, corporations, general powers and duties of, defined	*599
how to be granted, road laid out, damages estimated	*600
TURNPIKE ROADS, width of, required for travelling	ib.
gates upon—how to be erected, and in what places	ib.
may be ordered by Com. Pleas to be opened, in case	"607
no toll to be taken, until revocation of order	ib.
rates of toll established:—and to be marked on sign boards	"601
penalty for injuring gates of—forcibly or fraudulently passing	"601, 602
giving false answer to toll gatherer	602, 604
certain persons exempted from payment of toll	"602
toll of—penalty for demanding more than legal	"602
intersecting another road, how to be made	"603
penalty for making other roads connected with, so as to avoid payment of toll, excepting county roads	"605
penalty for driving more than certain numbers of cattle over bridges—on—or team loaded beyond a certain weight	*605
penalty for chaining wheels upon—without iron shoe under them	ib.
description of wheels, with certain loads, to be used on	*604
when discontinued, land to revert to person owning it, when taken	*608
corporations—mode of serving writs upon	"603
franchises of, liable to attachment on mesne process	269
when attached, copy of process to be left with Clerk or treasurer 30 days before Court	ib.
manner of selling on execution [See attachment, execution.]	273
liable in damages and to indictment for neglect to repair, &c.	"603
hindering or delaying passengers—penalty for	ib.
shares in—to be personal estate, how transferable,	ib.
proprietor neglecting to pay assessments what proceedings	ib.
first meetings of, how to be called	*606
may make rules and regulations not repugnant	ib.
may apply to Common Pleas for leave to remove gates	ib.
not to open roads and expose enclosures until damages paid	*607
liable to costs in certain cases, like counties	*608
to lodge in Secretary's office account of expenses and annual account of dividends	*608
may be dissolved by Legislature in certain cases	ib.
grants to, void, if object be not accomplished within five years	ib.
TYTHINGMEN, when to be chosen, their powers, duties, &c.	76, *459
oath of, to be competent evidence in certain cases	76

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 maritime contracts and letting of cattle, &c. not to be deemed	99, 100 100

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 Executor, Administrator, Guardian, Officer, Execution, &c.]	
VENIRE must be truly laid in all qui tam, and criminal prosecutions [See Actions.]	267
VENTIRES for jurors, when to issue, how to be served, returned	379—381, 384
[See Jurors.]	
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 Weights and Measures.]	
VICTUALLER common, how licensed [See Licenses.]	*586
VIEW by Jury in real actions, may be allowed	386
VIEWERS and cullers of hoops, how to be appointed	*674, 676
[See Lumber, Hoops, &c.]	
VOLUNTARY escape of prisoners suffered by gaoler, how punished	448
[See Sheriff, Gaoler, &c.]	
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 grants 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 collector 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 committee, 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 Assessors 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 administrator, 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 or 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, application 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 purposes, 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.

xi

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 <i>Proprietors.</i>]	
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 devised by her husband	251
[See <i>married woman, also divorce.</i>]	
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 dedimus 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	191
notice to be ordered by Judge, before directing record of to be made	193
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 homine replegiando	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	96

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
WRECKERS [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
on 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 bear 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	
— foremen, &c.—to 20	
	295, 296

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.	853
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	838
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	868
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.	370
---	-----

I

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

P

PRESUMPCOT bridge and road authorized	370
---------------------------------------	-----

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.