

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)

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

ERRATA.

PAGE 65, section 27, line 18, after "not," read "to."

92,	46,	1, for "She," read "The."
119,	5,	3, after "fife," for "a," read "or."
138,	62,	6, for "offier," read "officer."
405,	13,	1, for "28," read "13."
414,	3,	3, for "couaty," read "county."
440,	31,	4, in a few copies, for "on," read "or."
453,	28,	2, _____ for "necessay," read "necessary."
500,	23,	2, of the margin, for "dease," read "cease."
619,	24,	2, for "administrator of any contractors," read "administrators of any contractor."

INDEX.

837, 2d column,	1, dele "MILITIA," so as to read OFFICERS of the state prison.
842, 2d	46, for "527," read "537."
851, 1st	62, for "610," read "616."
857, 2d	14, for "163," read "162."
867, 2d	49, for "568," read "508."
875, 1st	14, for "wrunq," read "rung."
880, 1st	54, for "775," read "475."

INDEX.

NOTE. *The subjects, contained in the respective chapters, are alphabetically arranged, under the general heads, and designated by italics.*

<p>ABATEMENT, of school district taxes, 176 on parish taxes, for prompt payment, 176</p> <p>ABATEMENT, of a suit, not to be ordered for circumstantial errors, 498, 499 non tenure to be only so pleaded, in actions of dower, 607 of real actions, death or marriage no cause for, 611 non joinder of such contractors, as are discharged by limitation of time, no cause for, 619 of nuisances, process for, 693</p> <p>ABDUCTION, forcible, punishment, 665</p> <p>ABORTION, procuring or attempting, punishment, 686</p> <p>ABSTRACTS of sections, not essential parts of the revised statutes, 46</p> <p>ACADEMIES to be endowed by the legislature, &c., 31, 32</p> <p>ACCIDENT, chancery powers of the S. J. court, failure of suit from, limitation extended six months, in personal actions, 617, 618 in real actions, 622</p> <p>ACCESSORIES, before and after the fact, how tried and punished, 703</p> <p>ACCOUNTS, of administrator, &c. to be exhibited within six months, after report of commissioners of insolvency, 458 mutual and open, limitation computed from the last item, 617 disclosed by debtor, how applied for benefit of creditor, 627, 629, 630</p> <p>ACCUSED party, in criminal prosecutions, rights of, 18 not to be twice put in jeopardy of life or limb, 18</p> <p>ACKNOWLEDGMENT, of deeds. <i>See deed.</i> <i>Chap. 91,</i> 373 of a debt, its effect upon the limitation of the right of action, 618, 619</p> <p>ACTS of incorporation, public acts, 44</p> <p>ACTIONS, CIVIL, COMMENCEMENT OF, INDORSEMENT AND SERVICE OF WRITS; ATTACHMENT OF PROPERTY; ARREST AND TAKING BAIL. <i>Chap. 114,</i> 481 to 495</p> <p><i>Actions,</i> where to be commenced, if both parties live in this state, 481 — on sheriffs' and coroners' bonds, 482 — on judgment of a court of this state, 482 — by or against a county, 482 — where both parties are towns, parishes or school districts, 482</p>	<p>167 ACTIONS, &c.</p> <p>— between quasi corporations, and corporations or individuals, 482 — between other corporations and individuals, 482 — for recovery of forfeitures, 482 — if within the jurisdiction of justices, 483, 766 jurisdiction in, sustained, if property in this state be attached, 482 how commenced against a person whose name is unknown, 488 by an officer to recover attached property taken from him, not to abate by his death, 494 — money recovered not to be assets, 494 — proceedings, if judgment be for defendant, 494 definition of final judgment in, 494</p> <p><i>Arrest,</i> in civil suits not allowed on certain days, 495 officers and soldiers exempt from, on training days, 495 electors exempt from, on election days, 20, 495</p> <p><i>Attachment,</i> personal property liable to, 484, 485 real estate liable to, 485 equities of redemption liable to, 485 to continue on the land, if the mortgage be paid, 485 of real estate to be filed and recorded in the registry of deeds, 485 not to be valid in such case, unless plaintiff's demand be set forth in the declaration, 485 registry of, after five days, and effect, 485 to continue thirty days after final judgment, 485 dissolved by judgment for defendant, 485 of hay, horses or neat cattle not defeated, if left in defendant's possession on security given, 486 certain property exempt from, 486 of personal property, if not removable, to be recorded by the town clerk, 487 of shares in a corporation, notice of, 487 — officer making, may demand of the clerk a certificate of the number of shares held by the debtor, 487 of the franchise of a corporation, how made, 488 of property in different counties, on the same writ, 488 of personal property under a mortgage or pledge, 491 — pledgee or holder bound to state the amount due, 491</p>
--	--

ACTIONS, CIVIL, COMMENCEMENT, &c.

- Attachment*, of a right of redeeming interests in real estate sold or set off on execution, 491, 794
of a right by bond to a conveyance of real estate, 491
to continue on property, though attaching officer be dead, 492
— such property not to go as assets to his administrator, 492
not dissolved by defendant's death, unless his estate be insolvent, 493
dissolved by commission of insolvency, 493
— officer to return the property in such case, 493
— — to account for proceeds, if sold, 493
— — if paid to the creditor, to be refunded, 493
— — set off not allowed in action for such proceeds, 493
dissolved, by reference of the suit and of all demands, 494
— by an amendment increasing the claim in the suit, 494
Attached property, may be sold by the officer on the writ, by consent of the debtor, 488
if perishable, or expensive to be kept, may be sold without his consent, 488
— appraisal and sale of, and proceedings, 488, 489
— may be kept by defendant, on his giving bond, 489
— bond to be returned with the writ, 489
— suit and proceedings on such bond, 489
— priority of executions on the judgment in such suit, 489
— rights of persons interested in the bond, but not parties to the suit thereon, how secured, 490
— priority of satisfaction, if the property he sold on the writ, 490
— surplus proceeds of such sale attachable in the officer's hands, 490
defendant's share of, if owned in common, may be appraised on request of another part owner, 490
— may be delivered to such other part owner on his giving bond, 490
— lien of such other part owner, if he discharge the debt, 491
— rights of defendant, if attachment be dissolved, 491
— officer to return the bond with the writ, claimed by a third person, may be sold on the writ, unless replevied, 491
taken from the officer by replevin, liable to further attachments, as if in his custody, 492
— limitation of such liability, 493
— replevin bond to cover such attachments to the full value of the goods, 492
liable to further attachments after the officer's decease, or removal from office, 492
— notice of such subsequent attachment how given, 492

ACTIONS, &c.

- Attached property*, of a deceased person to be appraised as part of his estate, 493
action by an officer for recovery of, not to abate by his death, 494
Bail, to be taken by bond to the officer; conditions, 494
what to be deemed sufficient, 494
bond, liability of obligors in, 494
— to be returned with the writ, 494
may surrender the principal before entry of the action; proceedings, 495
in a bastardy process, may surrender principal, 495
Cross action, may be brought, where plaintiff in the first action is not an inhabitant of this state, 492
— service of writ may be on his attorney, proceedings therein, 492
Final judgment, definition of, as regards attachments, in an action, 494
Indorsement of writs and petitions required, unless some plaintiff be an inhabitant of the state, 483
Indorser, liability of; limitation, 483
limitation of action against, 483
if adjudged insufficient, plaintiff to procure a new indorser, 483
— if not procured, action to be dismissed, 483
Jurisdiction sustained, if property in this state be attached, 482
Lord's days, service of writs on, illegal, 495
Officer, proceedings by, when authorized to sell property on a writ, 488 to 490
Petitions, when to be indorsed, 483
Scire facias, form of, 488
Service, of original summons, 484
or notice, different modes of, if defendant be not an inhabitant of this state, 484
of a writ or summons, upon a county, town or other corporation, 487
time of, upon corporations, 487
upon one of several defendants, who is not an inhabitant of this state, 488
when defective, court may order a new service, 488
upon a person, whose name is unknown, 488
of a writ in a cross action, if the plaintiff in the original action be not an inhabitant of this state, may be upon his attorney, 492
of civil process upon the Lord's day, illegal, 495
Summons, may be combined with the writ in certain cases, 484
separate, to be left, where goods are attached, original, how served, 484, 487
Writs, form of, 481
— may be changed by the court, if necessary, 481
to be indorsed, unless some plaintiff be an inhabitant of this state, 483
how to be signed, sealed and tested, 493, 484
may be issued by the clerk at any time, 484
may be for attachment, or summons, 484

ACTIONS, CIVIL, COMMENCEMENT, &c.

<i>Writs</i> , may be combined with the summons, in certain cases,	484
of scire facias, form of,	488
property attached on, may be sold by the officer on the writ in certain cases,	488 to 490
ACTIONS, CIVIL, IN COURT, PROCEEDINGS IN.	
Chap. 115,	497 to 511
<i>Actions</i> , time of entry of,	497
of trespass, and trespass on the case, equivalent,	499
by treasurers, may be commenced in their own names, or prosecuted in the name of their predecessors,	499
on bond or covenant, assignment of breaches or pleadings in,	499
of covenant, may be brought by a subsequent purchaser against the original grantor, in certain cases,	499
of account, proceedings in, if defendant refuse to account,	503
on poor debtors' and other bonds, proceedings in,	506
of trespass, court or jury to decide whether the trespass was wilful,	510
by public officers not to abate by their vacating their offices,	511
<i>Administrator</i> of a deceased party, may prosecute or defend a suit,	507
<i>Amendment</i> , of circumstantial errors or defects in process, permitted,	499
of writ, by striking out the name of one of several defendants,	499
by inserting other defendants, and service on them,	499
<i>Arrest of judgment</i> , not to be allowed in civil actions,	506
<i>Assignment</i> of breaches of a bond or covenant,	499
<i>Attaching creditor</i> may petition for leave to defend a previous suit, in which the same property was attached,	510
<i>Auditors</i> , when and how to be appointed,	503
to notify parties, and how to decide,	503
may compel witnesses to attend,	503
may be discharged by the court,	503
report of, when to be used as evidence,	503
compensation of,	503
to certify neglect of defendant in action of account, to render his account when required,	503
<i>Bills</i> dishonored, damages on,	510
<i>Bonds</i> , assignment of breaches, and pleadings in actions on,	499
of poor debtors, proceedings in actions on,	506
<i>Case</i> , action on, to be equivalent to trespass,	499
<i>Continuance</i> to be ordered, if defendant be out of the state, and have no notice,	498
<i>Costs</i> , in cases of set off,	502
recoverable by the prevailing party in a suit,	503
in replevin, when the plaintiff holds a part of the property,	506
restricted on an appeal by plaintiff from a justice's judgment, if damages be not increased,	507

ACTIONS, &c.

<i>Costs</i> , double or treble, meaning of,	507
for respondents, against an unsuccessful applicant for certiorari, mandamus or quo warranto,	507, 508
on nonsuit or discontinuance, to be paid before plaintiff brings a new suit,	508
individuals liable for, in suits in the name of the state, for their benefit,	508
state liable for, on suits in its own behalf,	508
for travel, not to be taxed by the state's attorney,	508
restricted, if plaintiff bring several actions at the same court, which might be joined,	508
for travel, how taxed,	508, 509
for attendance, how taxed,	508, 509
not taxable in an action on a judgment, where an execution might issue. Exception,	508
for travel, in favor of a corporation,	508, 509
may be controled by the court, as a condition of granting a continuance or amendment,	509
full, allowed, where plaintiff's demand is reduced by a set off,	509
<i>Courts</i> not to be held on certain days,	510
<i>Covenant</i> , assignment of breaches, and pleadings in actions on,	499
action of, may be brought by a subsequent purchaser against the original grantor in certain cases,	499
not barred by a release from the first grantee to his grantor,	500
<i>Creditor</i> , attaching, may be allowed to defend a prior suit, in which the same property has been attached,	510, 511
to give bond, and proceedings thereon,	511
<i>Damages</i> , how assessed, if defendant be defaulted,	767
on debtors' and other bonds, how assessed,	506
on dishonored bills payable out of the state,	510
— payable in the state,	510
<i>Death of a party</i> , to be suggested on the record,	507
before entry of an appeal, proceedings on,	507
<i>Debt</i> , action of, for recovery of penalties,	500
<i>Debtors' bonds</i> , damages on, how assessed,	506
<i>Default</i> of defendant, if he fail to appear,	497, 498, 767
may be taken off, in certain cases,	498
offer of, for a specified sum, and effect thereof,	500
<i>Demurrer</i> , when to be pleaded and joined,	500
<i>Discontinuance</i> not allowed after set off is filed,	503
<i>Evidence</i> , report of, on motion to set aside a verdict,	509, 767, 768
<i>Execution</i> , to be stayed one year, if defendant be defaulted without notice of the suit,	498, 768
may be issued in such case, on plaintiff's filing bond with the clerk,	498
when to issue, and when returnable,	509, 768
may be renewed within three years,	509
may be awarded on scire facias after three years.	509
interest on, to be collected by the officer,	509

ACTIONS, CIVIL, IN COURT, &c.

<i>Executor</i> of a deceased party, may prosecute or defend a suit,	507
<i>Guardians</i> may appear, or be appointed for a party becoming insane,	507
<i>Husband</i> of a woman, married after she has commenced an action, may be admitted to prosecute,	507
<i>Interest</i> , allowed in actions of debt on judgment,	506
to be collected by officers on executions,	509
<i>Joint contract</i> severed by decease of one joint contractor,	500
<i>Judgment</i> , how to be rendered on default,	767
not to be arrested in civil causes,	506
on a general verdict not reversible for bad counts, if any count be good,	507
<i>Jurors</i> , <i>traverse</i> , how arranged, empaneled and sworn,	503
supernumerary, how arranged,	504
may be transferred or excused, by the court,	504
oath of,	504
how to choose a foreman,	504
talesmen, when and how selected and returned,	504
additional, may be ordered by the court to be drawn in term time, in certain cases,	504
may be questioned as to interest, or bias, in relation to a cause,	504
not disqualified, in prosecutions for forfeitures, by interest as an inhabitant, &c.,	505
objections to, to be made before trial, if known,	505
<i>Jury</i> , may find a general or special verdict, if unable to agree, may be further instructed or discharged,	504, 505
verdict of, not to be set aside for irregularities in returning jurors,	505
to determine the value of goods replevied, if part belong to defendant,	505, 506
to assess damages on debtors' or other bonds,	506
<i>Libel</i> , proof of truth, admissible in justification of,	500
<i>Limitations</i> , statute of, applicable to set offs,	502
<i>Notice</i> , may be ordered by the court to be given to a defendant, who has not received notice of a suit,	498
<i>Offer</i> to be defaulted, for a specified sum; and effect thereof,	500, 767
<i>Officers</i> , public, actions by, not to abate by their vacating their offices,	511
<i>Penalties</i> recoverable in an action of debt,	500
<i>Plea</i> , of general issue, and brief statement admissible in all cases,	500
— counter brief statement by plaintiff in such case,	500
special, may be pleaded by defendant, at his election,	500
demurrer when to be pleaded and joined,	500
<i>Pleadings</i> in actions on bonds or covenant,	499
<i>Poor debtors' bonds</i> , proceedings in actions on,	506
<i>Process</i> , not to abate for circumstantial errors,	498, 499

ACTIONS, &c.

<i>Replevin</i> , in actions of, jury to find the value of goods, &c., if only part belong to plaintiff,	505
— costs in such case,	506
<i>Review</i> , of right, in one year, if a defendant be defaulted without notice,	498
after a year, in certain cases,	498
<i>Set off</i> of mutual demands, how filed, and notice,	501
description of,	501
in what cases allowable,	501
when not allowable, if plaintiff's demand has been assigned,	501
when allowable, if suit be brought by a person in trust for another,	501
in actions by or against executors or administrators,	502
issue in cases of,	502
plaintiff's defence against,	502
statute of limitations, applicable to,	502
costs in cases of,	502
in municipal and police courts, and before justices,	502
being filed, plaintiff not to discontinue,	503
<i>Summonses</i> for witnesses, by whom issued,	505
<i>Surveyor</i> , may be appointed to run lines, make plans, &c. in real or mixed actions,	510
if resisted, proceedings,	510
<i>Tender</i> of default for a specified sum, and effect thereof,	500, 767
in cases of involuntary trespass,	767
in actions against towns for damages, in consequence of bad roads,	767
<i>Trespass</i> action of, equivalent to action on the case,	499
in actions of, court or jury to decide whether the trespass was wilful,	510
<i>Trial docket</i> , and costs, in actions for trial,	509
<i>Verdict</i> of a jury, may be general or special,	504
not to be set aside for irregularities in returning jurors,	505
may be set aside for improper influence of the prevailing party upon jurors,	505
to find the value of property replevied, if part only belong to plaintiff,	505, 506
— costs in such case,	506
proceedings on motion to set aside,	509
<i>Witnesses</i> , subpoenaed for, by whom issued,	505
competency or credibility of, not affected by their religious opinions,	505
in what manner to be sworn,	505
may affirm, if conscientiously scrupulous of taking an oath,	505
competent, though interested as members of certain corporations,	505
ACTIONS, of debt, on judgments of county commissioners,	412, 765
on sheriffs' and coroners' bonds,	421, 422
for neglect of sheriffs, &c., survivorship,	422
commenced by a special administrator, may be prosecuted by executor, &c. afterwards appointed,	446

- ACTIONS**, for legacies, may be brought, as at
 common law, 452, 766
 on probate bonds, brought by the parties inter-
 ested. *See Probate bonds. Chap. 113, 475*
 ——— brought by judge for all concerned, 478
 by and against executors and administrators.
See Executors, &c. Chap. 120. 539 to 543
 of review. *See Review, action of. Chap.*
124, 551, 552
 for flowing lands, brought by complaint, and
 not at common law, 561, 562
 ——— for arrears of yearly damages, debt or
 assumpsit, 562
 of waste, by and against whom to be brought;
 proceedings, 567, 568
 on the case, in nature of waste, 568
 of trespass on lands, for what injuries may
 be brought, 568, 569
 of replevin. *See Replevin, &c. Chap. 130. 570*
 on certain contracts not in writing, not
 maintainable, 590, 591
 on representations of the character, credit,
 &c., of another, not to be maintained, un-
 less made in writing, 591
 for false imprisonment, not barred by any re-
 covery of penalties provided in the chap-
 ter upon habeas corpus, 601
 ——— may be brought by any person, in be-
 half of another, carried out of the state,
 or concealed, 601, 602
 of dower. *Chap. 144, 607, 769*
 real. *See Real actions. Chap. 145, 608*
 personal, limitation of. *See Limitations, &c.*
Chap. 146, 616
 ——— what deemed to be the time of com-
 mencement, 618
 ——— against several joint contractors, a new
 promise, by part, not to affect the others, 618
 failure of, from accident, &c., time of limi-
 tation extended, 617, 618, 622
 on the case, against debtors for false disclos-
 ures, 633
 ——— judgment and subsequent proceedings, 633
 ——— against persons, aiding debtors, in
 fraudulent concealment of property, 631, 633
 on the case for nuisances, 698
 relating to the state prison, to be in the name
 of the warden; to survive, &c., 732
 ——— may be submitted to arbitration, 732
ACTING secretary of state. *See Secretary, &c., 73*
ADJOURNMENT, of courts, by sheriff or clerk,
 if no judge be present, 396, 401
 of examinations on warrants, in criminal
 cases, 713
ADJUTANT GENERAL, his salary, 639
 tenure of office, &c., 749
**ADMINISTRATION AND PROBATE, GRANT-
 ING; AND THE GENERAL OBLIGATIONS
 AND POWERS OF EXECUTORS AND ADMIN-
 ISTATORS. Chap. 106, 435 to 443**
Accounts, of administration, how settled, 442
 accountant may be examined under oath, 442
- ADMINISTRATION, &c.**
Accounts, with what property, executors, &c.,
 chargeable, 442
 income of real estate, how and when to be
 accounted for, 442
 examination of private claim of executor,
 &c., 442
Administration, to whom granted, 435
 when granted to a creditor or other person, 435
Appraisers, appointment of, to take an inven-
 tory, 439
 may be in several counties, 439
 mode of appraising credits, &c., 439
Bond, of administrator, condition, 436
 of executor, condition, 437
 how varied, if executor be residuary legatee; 437
 of administrator, with the will annexed, 438
 when new, or additional, may be required, 440
Co-executors, &c., their relative rights in cer-
 tain cases, 441, 442
 equity proceedings in S. J. court, 442
Debts, due deceased, may be compounded, with
 approbation of judge, 441
Embezzlement, proceedings against persons
 suspected, 440
 persons, entrusted by executor, &c., may be
 cited to render account, 440
 penalty, if such person refuse to appear, 441
Executors, if more than one, none to act, un-
 less they give bond, 437
 if bond be not given, administration with the
 will annexed, to be granted, 437
 if under age, administration with the will
 annexed, during the minority, 437, 438
 powers not transmitted to their executors, 441
Inventory, of real estate, goods and chattels,
 rights and credits, 439
 when an additional one to be taken, 439
 what articles of personal property may be
 omitted, 439, 440
Letters, testamentary, when issued, 437
 of administration, with the will annexed, 437
Notice, to be given of appointment of execu-
 tors and administrators, 438, 439
 on estates of persons deceased, out of the
 state, 439
 mode of perpetuating evidence of, 439
Personal estate, when judge may order it to be
 sold, 440
 when executor, &c., may elect to account
 for it, as appraised, 440
Removal from office, of absent or incompe-
 tent executors, &c., 441
 new administration may be granted, 441
Revocation of powers of executors, &c., how
 far previous acts, valid, 443
Unmarried woman, her authority, as execu-
 trix, &c., to cease on her marriage, 441
Waste, by executor, &c., neglecting to pay
 debts of deceased, 442
Wills, duty of persons, having the custody of,
 before probate, 436

- ADMINISTRATION AND PROBATE, &c.**
- Wills*, when may be proved by depositions of subscribing witnesses, 436
- when by testimony of one or two of them, 436
- foreign, may be allowed and recorded in this state, 438
- proceedings; they must be executed as required in this state, 438
- letters testamentary, &c., may be granted, 438
- nuncupative, how proved and allowed, 438
- ADMINISTRATORS, PUBLIC, SPECIAL ADMINISTRATORS, EXECUTORS IN THEIR OWN WRONG, ADMINISTRATORS ON ESTATES OF PERSONS DECEASED OUT OF THE STATE, AND PROCEEDINGS OF SURVIVING PARTNERS.** Chap. 107, 443, 766
- Estates of persons, deceased without the state*, how administered and distributed, 446
- if insolvent, equitable provision for creditors in this state, 446, 447
- no creditor to receive more than his proportion of the whole estate, 447
- Executor in his own wrong*, liability of, 446
- Partnership property*, how appraised, 447
- to remain with the survivor, on his giving bond, 447
- condition of such bond, 447
- power of judge, as in case of an administrator, 448
- if such bond be not given, executor, &c., to take the property, on giving bond, 448
- condition of the last mentioned bond, 448
- survivor to surrender property, &c., to the executor, &c., 448
- liability to imprisonment, if he refuse, 448
- Public administrator*; appointment, duty, 443
- to account with judge, once a year, 444
- excess of money in his hands, to be deposited with the state treasurer, 444
- in case of neglect, bond to be put in suit, 444
- money deposited, forfeited to the state, if not claimed in twenty years, 444
- powers to be revoked, when a lawful claimant appears, 444
- to give bond, as in case of ordinary administration, 444
- real estate, to be sold, as in other cases, for payment of debts, 444
- after three years, to be sold for all concerned, 444, 445
- proceedings, in case of such sales, 445
- Special administrator*, when to be appointed, 445, 766
- duties and compensation, 445
- provisional allowance to widow and children, 445
- when his powers shall cease, 446
- not liable to suits of creditors of the deceased, 446
- limitation of suits not affected, 446
- ADMINISTRATORS**, their private claims, in case of insolvency, to be determined by the judge, 457
- special. Chap. 107, 445, 446, 766
- on estates of persons, deceased out of the state. Chap. 107, 446, 447
- on estates of deceased partners. Chap. 107, 447, 448
- public, may be licensed to sell real estate, 469
- may be cited in a suit to which the deceased was a party, 507, 531
- liability of, in trustee process, 531, 532
- in case intestate was summoned, but died before judgment, 531
- in case intestate was adjudged trustee, and died within thirty days, and before demand, 532
- actions by or against. *See Executors, &c.* Chap. 120; 539 to 543
- de bonis non, actions by or against, 540, 543
- powers of, in relation to mortgaged real estate, 555
- ADULTERATING** food or liquors, punishment, 695
- ADULTERY**, cause for divorce, 664
- punishment, 685
- ADVANCEMENT** to an heir. *See Descent, title by.* Chap. 93, 380, 381
- AFFIRMATION**, included in the word, oath, 46
- scrupulous persons may make, 584, 747
- AFFIDAVIT**, filed in registry of deeds, &c., proof of notice for sale of land for taxes, &c., 107
- AFFRAY**, definition and punishment, 682
- AGENCIES** of foreign banks, &c. prohibited, 762, 763
- AGENTS**, when their acts said to be done by the principals, 46
- for towns, how chosen, 57
- for indian tribes. *See Indian tribes in this state.* Chap. 15, 108
- See Principals, factors and agents.* Chap. 43, 261, 262
- school, choice, powers and duties of. *See Education.* Chap. 17, 162 to 169
- AGREEMENTS**, certain, void, unless made in writing, 590, 591
- AGRICULTURAL AND HORTICULTURAL SOCIETIES.** Chap. 82, 348 to 350
- to receive annually from state treasurer a sum equal to the amount raised by them, 348, 349
- limitation of such amount, 349
- to return certificate of the amount raised, 349
- to offer and pay premiums, 349
- applicants for premiums to make a written statement of their improvements, 349
- to transmit annual statements to the secretary of state, 349
- statements to be laid before the legislature, 349
- privileges granted to, may be modified or annulled by the legislature, 349
- AID**, may be required by justices of the peace on view, without a warrant, 710

- AIR or light, right to, not acquired by adverse use, in less than twenty years, 622
- ALDERMEN, and assessors of cities to prepare lists of voters, 63
 considered, in elections, as selectmen, 66
 to meet on election days, to revise lists of voters, 67
 — any three to make a quorum, 68
 duties relating to the militia, 131, 152, 153
- ALIENAGE, no impediment to holding a distributive share of personal estate, 452
- ALIEN ENEMIES, not affected by limitation of personal actions, during the war, 618
- ALIENS, after naturalization, may convey lands, previously purchased, 371, 372
 conveyances by, previous to January 1, 1834, valid, 372
 descent from, after naturalization, or filing declaration of intention, 380
- ALIMONY. *See Divorce. Chap. 89,* 366, 367
- ALLOWANCE by judge of probate to widows and children, 445, 452
- AMENDMENTS, to state constitution, how made, 36
 of circumstantial errors or defects in a writ of writ, by striking out or inserting the name of a defendant, 499
 may be made, on surviving of real actions, 611
- ANNUAL MEETING, of towns, to be held in March or April, 57
- ANIMALS, cruelty to, punished, 690
- APPEALS, from the district courts, regulated, 401, 764, 765
 from probate courts, regulated. *See chap. 105,* 432, 433
 from district or probate courts, in cases of license for sale of lands, 469
 proceedings in, if a party die before entry, by plaintiff, costs restricted on, if damages be not increased, 507
 from a justice, when to be entered, and proceedings, 513
 from a justice to a district court, in replevin, on process for replevying a person, 605
 by party required to find sureties for the peace, &c., 708, 709
 from a justice of the peace in criminal cases, 710, 711
 from a single justice of the S. J. C. appointing or removing receivers of banks, 761, 762
 in cases of, certain original papers to be carried up, 653
 may be allowed by S. J. C. on petition, if omitted at the proper term, through accident or mistake, 768
 may be allowed by the district court, on petition, if omitted at the proper term, through accident or mistake, 768
 — limitations of petitions therefor, to one year, 768
- APPRAISAL of real estate set off on execution, *See Executions, real estate. Chap. 94,* 383 to 391
- APPRENTICES. *See Masters, apprentices, &c. Chap. 90,* 368 to 370
- APPRENTICESHIP, of minor paupers by overseers. *See Paupers. Chap. 32,* 239 to 241
 terminated by death of the master, 246
- AQUEDUCTS. *Chap. 83,* 350 to 352
 Corporation, may take and hold real estate, 351
 may dig up ways and streets by permission, 351
 Corporate, powers, continuance of, after dissolution, 352
 property, title to, after dissolution, 352
 Meetings of proprietors, how called and proceedings in, 350, 351
 Officers, choice of, and duties, 350, 351
 Penalties, for breach of by laws, 351
 and liability for damages, for injuring an aqueduct, 351
 Proprietors, how incorporated, 350
 liable for corporate debts, 352
 Shares, registry and transfer or attachment of, 350, 351
 assessments on, and collection thereof, 351
 Towns may draw water from aqueducts in case of fires, 351
- ARBITRATION. *See Reference. Chap. 138,* 594, 595
 actions, by or against warden of the state prison, may be submitted to, 732
- ARDENT SPIRITS, prohibited near the place of any public election, 71, 72
- ARMED FORCE, when and how to be called out to suppress riots, 683
 — insurrections, 770
- ARMED, persons going about, &c. required to find sureties, &c. 709
- ARMS, right to bear, for the common defence, 19
- ARMY standing, consent of the legislature necessary in time of peace, 19
- ARRAIGNMENT, in capital cases, may be before a single judge, 718
- ARREST and bail in civil actions. *See chap. 114, art. 4,* 494, 495
- ARREST of judgment, not allowed in civil actions, 506
- ARREST, on mesne process for contract, prohibited, 624, 625
 — unless debtor is about to remove with funds, &c., 624
 allowed in other actions, not on contract, 625, 626
 on executions, prohibited, if on a contract for less than ten dollars, 628
 — allowed in other cases, for the purpose of disclosure, 628
- AROOSTOOK ROAD, provision for, 53
 work to be done by contract, if, &c., 53
 proceedings, if it pass over private property, 53
- AROOSTOOK county, boundaries, 804
- ARSON and malicious burning. *See chap. 153,* 668, 669
- ASHES, POT AND PEARL. *Chap. 52,* 284, 285
 Ashes, first sort extra, first, second, and third sorts, 284
 how inspected, packed and branded, 284

- ASHES, &c.
Ashes not to be shipped, till inspected, 285
Casks, materials, dimensions and weight, 284
to be branded with manufacturer's name and town, 284
Deputy inspectors, appointment, oath, bond, duty. *See inspector*, 284, 285
to make returns to inspectors, 285
Inspector for the state, appointment, tenure of office; oath, 284
bond to state treasurer for \$3,000, 284
to be answerable for his deputies, 284
to distribute ashes into four sorts, 284
process of inspection, packing and branding, 284, 285
may enter on board vessels and seize casks not branded, 285
to make annual returns to secretary of state, 285
Penal provisions, and appropriation of fines, 284, 285
- ASSAULT AND BATTERY, definition and punishment, 667
actions for, limited to two years, 617
ASSAULTS, felonious, punishment, 666, 667
ASSAY MASTERS, choice, powers and duties of, 257
ASSESSMENT of taxes. *See Taxes, &c. Chap. 14*, 88, 747
of school district taxes, and abatement thereof, 166, 167
ASSESSORS, of towns, three or more to be chosen, 57
to furnish selectmen with a list of voters, on or before August 1, 61
to return to colonels, rolls of companies, destitute of officers, 126
of plantations, in elections, considered as selectmen, 66
same powers, as selectmen, respecting guardians for insane persons, &c., 461
duties relating to the militia, 131, 152, 153
of taxes responsible only for faithfulness, &c., 94, 748
- ASSIGNEE of a claim, attached by trustee process, may become a party thereto. Proceedings, 530, 531
ASSIGNMENT, by a limited copartnership, in view of insolvency, to provide for all the creditors, in proportion, 266
of power, if not made, &c. after demand, widow may sue, 607
ASSIGNMENTS, law of 1836, 804
Assignee to publish notice, 804
not liable to trustee process, 804
Assignment to provide for ratable distribution to all the creditors, 804
ASSUMING falsely to act as a justice, sheriff, &c. Punishment, 681
ASSUMPSIT, action of, limited to six years, 616
ATTACHMENT, of real estate, record thereof, 79, 485
private burying grounds exempt from, 189
of property. *See Actions, commencement of, &c. Chap. 114*, 484 to 494
- ATTACHMENT, &c.
duration of, 485
of certain property, good, though left in defendant's possession, 486
certain property exempt from, 486
of personal property, not removeable, to be recorded by town clerk, 487
of right, by bond, to a conveyance of real estate, 491
to continue, after decease of the attaching officer, 492
dissolved by commission of insolvency, 493
by reference of the suit and all demands, 494
by an amendment, increasing the claim in the writ, 494
foreign, dissolved, if demand be not made in thirty days after judgment, 537
of property, on writ of review, 551
original, not continued by a review, 552
of real estate, prevention of waste on, 569
bank shares liable to, 752
lands or mortgages, property of banks, liable to, 752
for contempt, against an officer for not obeying a writ of habeas corpus, 601
- ATTACHED PROPERTY, how disposed of. *See Actions, commencement of: Chap. 114*, 488 to 494
if claimed by a third person, may be sold on the writ unless replevied, 491
replevied, liable to further attachments, 492
liable to further attachments after decease or removal of the attaching officer, 492
- ATTACHING CREDITOR may be admitted to defend a previous suit, in which the same property has been attached, 510
ATTAINDER, bill of, not to be passed, 19
ATTEMPT, with an overt act, to commit any crime, punishable, 704
ATTORNEY GENERAL, AND HIS DUTIES. Chap. 101, 414, 415
Duties, to attend sessions of the supreme judicial court, 414
when absent, to give instructions to the county attorney, 414
not to receive fees from any prosecutor, 415
not to be retained, in civil actions, connected with prosecutions, 415
at what day of the term to require witnesses to attend, 415
to make annual reports to the governor and council, 415
- ATTORNEY GENERAL, duty of, when a commissioner of the treasury is appointed, 73
as to lands forfeited to the state, intrusions, escheats, &c., 564, 565
may summon witnesses for the state, 719
salary of, 639
- ATTORNEYS, COUNTY. Chap. 102, 415, 416
Attorneys for the state to be appointed in each county; oath, 415
to attend the terms of the district court, 415

ATTORNEYS, &c.

to attend the S. J. C. in absence of the attorney general, 415
 not to act as attorney, &c. in certain civil actions, 415
 duty of, as to fines and costs due to the state, 415
 to move the commissioners to examine sheriffs' bonds, 415, 416
Courts may appoint a substitute, in his absence, 416
Reports to be made annually to the attorney general, 416
ATTORNEYS, COUNTY, to prosecute town clerks, if delinquent in making returns of votes, 65
 — owners of dams, for expenses of fish ways, in case, &c., 306
 duty of, on application for damages in locating ways, 195
 duties of, respecting sheriffs' and coroners' bonds, 419
 to prosecute officers delinquent in paying over fines and costs, 658, 659
 — to make report to secretary of state, 660
 duty payable by, and respective salaries, 638, 639
 to attend examination of debtors to the state, 636, 637
 not eligible as county treasurers, 80
ATTORNEYS AT LAW. Chap. 103, 416, 417
Attorneys, character, age and acquirements, 417
 on admission to the district court, may practise in the S. J. court, 417
 parties restricted to two, to manage their causes, 417
 not duly admitted, to recover no fees, 417
 any citizen may act as attorney, with special power, 417
Duty, payable on admission, 417, 638
Examiners, qualifications and duty, 416
 to be sworn; continue till notified of their removal, 417
 may give certificates to candidates found qualified, 417
Justices of the peace, not to act as attorneys in certain cases, 417
Oath, on admission, form of, 417
Parties may employ persons as attorneys by special powers, 417
 may manage their own causes, 417
Supreme judicial court, to prescribe rules for admission; appoint examiners, &c., 416
ATTORNEYS AT LAW, corrupt agreements by, to procure business, 679
Attorney, who may be cited as, to attend on taking depositions, 580
 persons indicted, except in cases of felony, by leave of court, may appear only by, 720
 or agent, deeds by, how construed, 373
AUCTIONEERS, LICENSED, SALES OF PROPERTY BY. Chap. 46, 267, 268
Auctioneers, not to sell goods received of servants or minors, nor after sunset; penalty, 267
 to keep particular accounts of sales, 267
 not to sell property out of their towns, 268

AUCTIONEERS, &c.

Licenses, granted in writing by selectmen, for one year, 267
 to be recorded in a book; kept for that purpose, 267
 county commissioners may grant, if selectmen unreasonably refuse, 267
 sheriffs, coroners, constables, executors, &c. may sell without, 267, 268
Occupant of house, &c., not to permit unlawful sales, &c., 268
Penalties, for auctioneer selling goods of servant, &c., or without license, or after sunset, 267
 for persons, not licensed, selling by auction, 268
 for auctioneers' selling out of their own towns, 268
 how recoverable, 268
Selectmen, &c. to license one or more persons, 267, 268
AUDITA QUERELA, WRIT OF. Chap. 141. 602, 603
Form; in what court to be sued out, 602
Proceedings, pleadings, exceptions, &c., 602, 603
Special damages may be also claimed, 603
AUDITA QUERELA, writ of, applicable to executions on recognizances for debts, 593, 594
AUDITORS may be appointed by the courts to examine accounts, &c., 503
 powers and proceedings of, 503
AUGUSTA town of, seat of government, 47
BAIL allowed in all criminal cases, unless capital, &c. 19, 42
BAIL IN CIVIL ACTIONS. Chap. 118, 523 to 525
Bail, how to be taken, 494, 523
 bond to be returned with the writ, 494, 523
 names of, to be inserted on the margin of the execution, 523
 to be notified, fifteen days before execution expires, 523
 may surrender principal into court, 524
 held to pay the judgment, if principal avoid and be not surrendered, 524
 pleadings and defence by, on scire facias, 524
 may surrender principal in court on scire facias, and be discharged, on paying costs, 524
 may surrender principal on scire facias, before a justice. Proceedings thereon, 525
 to deliver the officer a copy of the justice's entry thereof, in such case, 525
 to deliver the officer a copy of writ and return thereon, if surrender be before judgment, 525
 remedy of, against principal for damages by suretyship, 525
Justices may issue scire facias, on a justice judgment, though the debt and cost exceed twenty dollars, 524
Limitation of actions of scire facias against bail, 524
Officer, to notify bail fifteen days before execution expires, 523
 fees therefor, 523
 to attend before a justice, when requested to receive principal, surrendered, 525

- BAIL, &c.**
Principal, may be committed to jail, if surrendered in court, 524
 may be discharged, if not taken in execution in fifteen days, 524
 liable to his surety for damages, 525
Scire facias, may issue against bail, if principal avoid, 524
 form of, 524
 may issue from a justice on justice execution, 524
- BAIL**, to be taken by bond to the officer, 494
 what to be deemed sufficient, 494
 right of, to surrender principal, 495
 not continued by review, 552
 may be taken, on habeas corpus, after commitment, 598, 599, 602
 on process of audita querela, may be given by a prisoner in execution, 603
 taken of plaintiff in error, in criminal cases, unless capital, 606
 scire facias against, limited to one year, 617
 right to give, not impaired by the provisions of the chapter for relief of poor debtors, 633
 in criminal cases, how taken, 714
 — may be taken after commitment, 715
- BALLAST**, not to be thrown overboard in harbors, &c., 271
 not to be taken from lands, without consent of owner, 271
- BALLOTS**, not to be folded; nor candidates' names examined, till poll is closed, 59
 in what manner to be counted, 65
- BALLOT BOXES**, suitable, and check lists to be used at elections, 64
- BANGOR** police court in. *Chap. 98, art. 3.* 407, 408
 — *Act of March 3, 1841.* *Chap. 111.* 773, 774
- BANK**, tax appropriated to schools, 171, 749
 bills, &c., actions upon, not limited, 617
 — when disclosed by debtor, may be applied to discharge the debt, 627, 629, 630
- BANKING**, limited partnerships for, prohibited, 265
- BANKS.** *Chap. 77.* 750 to 763
Bills, notes, &c. circulation of, regulated, 754
 form and signature of, 754
 receivable for debts due the bank, 754
 for fractional amounts, prohibited, 755
 not to be made payable at a future day, nor on interest, 755
 to be redeemable in specie, at the bank, except, &c., 755
 penal interest, if not redeemed in fifteen days after demand, 755
 altered, banks liable for the original amount, 760
 of private persons, prohibited to circulate as money, 763
Capital stock, one half to be paid in, in specie, before banking operations, 751, 752
 instalments of, when to be paid, 752
 — till all paid in, shares not transferable, 752
 right of the state to take shares, 752
 shares, liable to be attached and taken in execution, 752
- BANKS.**
 semi-annual tax of one half of one per cent. upon, 752
Cashier, oath and bond; not to be a director, 753
 his duty, as to returns, 753
Clerks; appointment; bonds, oath, 753
Commissioners, appointment, powers, duties, 759
 their examination of banks, 759
 proceedings by, when they deem a bank unsafe, 759, 760
Debts, due from banks, limited, 753, 754
 — banks liable for the excess, 754
Directors, number and qualifications; choice, 751
 vacancies may be filled at special meetings, 751
 restricted as to loans, 753
 may chose a cashier and other officers, 753
 their liabilities for excess of indebtedness, 754
 — absent or dissenting, how exonerated, 754
 for mismanagement of, stockholders liable, 756
 to verify the cashiers' returns, &c., 759
Dividends, to be made of profits, semi-annually, 753
 fraudulent, punishment for, 763
Equity proceedings, by creditors against delinquent directors or stockholders, 756, 757
 — by stockholders for contribution, 757
Foreign banking; companies, and agencies thereof, prohibited, 762, 763
Gold, to be weighed in each scale, if required, 760
Incorporation, name, &c., 750
 office to be kept in the town, where established, 751
 to continue for purpose of closing, &c. after limitation of the charter, 760
 all acts of, to expire, October 1, 1847, 762
Interest, may be paid for deposits, 755
 accruing on dishonored bank bills, &c., 755
 taken by banks, not to exceed six per cent., 757
Loans, made by banks, restrictions and regulations, 753, 754
 to be made at their office, 754
 when and how to be made to the state, 757
Meetings, for choice of directors, &c., 751
 special, how called, 753
Plates for bills, what kind may be used, 760
President; to be chosen by directors, from their number, 751
Private banking, prohibited, 762, 763
Punishment, of directors, &c., for refusing to give evidence to bank commissioners, 759
 — for refusing to give up bank property to receivers, 762
 of persons unauthorized, for banking, &c., 763
 for fraud or embezzlement by officers, stockholders or servants of banks, 763
Receivers; appointed by S. J. court, on complaints against delinquent banks, 761
 their bonds, duties, powers, &c., 761
 when their authority may be revoked, 761
 appeal respecting them, from a single judge to the whole court, 761, 762
 how compensated, 762

BANKS.

<i>Receivers</i> after settling debts, &c., to surrender property to the bank officers; to account, &c.,	762
<i>Returns</i> , may be required by the governor, monthly; form,	758, 759
semi-annual, on the first Mondays of January and June,	758
forfeiture for not making;	759
blanks to be furnished, and abstracts published by secretary of state,	759
<i>Stockholders</i> , how far private property holden,	755, 756
list of, to be furnished by directors; on a suit pending against the bank, &c.,	756
corporations holding stock, liable as individuals,	757
names of, to be returned to the legislature, when required,	758
after sale of their stock, may be witnesses, &c.,	762
<i>Trade</i> and commerce, banks not to engage in,	753
<i>Weights</i> , when and by whom to be sealed,	760
BANKS, lands and mortgages of, may be sold on execution,	388
right of redemption within one year,	764
cashiers of, to return names of stockholders to assessors of towns, and to secretary of state,	327
BARK. <i>See</i> Firewood, bark and coal. Chap. 60.	302
BARON AND FEME. <i>See</i> Husband and wife. Chap. 87.	361, 362
BASTARD CHILDREN, AND THEIR MAINTENANCE. Chap. 131,	574, 575
<i>Accusation</i> and examination of the mother; proceedings,	574
<i>Bond</i> , required of the accused, on his arrest, continued in force, until complainant is able to attend court,	574
— except that sureties may surrender the principal,	574
<i>Declaration</i> before trial, form of,	574
<i>Facts</i> ; essential to the competency of the complainant to be a witness,	575
<i>Judgment</i> , if respondent be found guilty,	575
further bonds required in that case,	575
if not guilty, respondent to be discharged,	575
<i>Overseers</i> of the poor, how far they may prevent a settlement of the suit,	575
<i>Poor debtors'</i> oath may be taken by the father, after 90 days imprisonment; proceedings, mother entitled to an action of debt, if he is discharged,	575
<i>Verdict</i> , at the district court, final,	575
BASTARD CHILD, concealment of birth and death, by the mother, how punished,	686
— offence may be charged in the same indictment with murder,	686
BASTARDY, process, bail in; may surrender principal,	495
BATH, municipal court in. Chap. 98, art. 2.	406
BEARS, DESTRUCTION OF. Chap. 42.	260
hounties for heads of, how paid,	260
heads to be destroyed,	260

BEASTS, going at large, stray or doing damage. <i>See</i> Pounds, &c. Chap. 30.	228 to 233
BEASTS AND CHATTELS. <i>See</i> Replevin of, &c. Chap. 130,	570
BEEF AND PORK, INSPECTION OF. Chap. 50,	273 to 281
<i>Barrels</i> and half barrels, capacity and materials,	277
dimensions, when for beef,	277
— when for pork,	278
to be branded with the manufacturer's name,	278
<i>Beef and pork</i> , to be packed for exportation in barrels and half barrels;	275
imported in barrels, &c. not inspected, shall not be sold or reexported, without inspection,	279
regulations for exportation,	279
to be forfeited, if fraudulently shipped; proceedings,	279
if duly inspected in another state, may be sold or reexported,	280
in what manner to be weighed, by dealers,	280
<i>Beef</i> , for exportation; age and how cut up,	275
how assorted, salted and branded,	275, 276
<i>Brands</i> , to include names of maker of cask, inspector and person for whom packed, quality of contents, and mouth when inspected,	278
not to be used, except when inspection has been by inspector or deputy, personally,	278
<i>Deputies</i> , to remain, when office of inspector general is vacated,	274
in such case, to be responsible to the state,	274
bonds; provisions to enure to the state, in case, &c.,	274
duties. <i>See</i> inspector general.	
to make annual returns to inspector general,	280
<i>Exportation</i> , or shipping, of beef and pork; inspector's certificate to collector, necessary,	279
oath to be taken by master or owner,	279
seizure of beef or pork, fraudulently shipped,	279
— to be labeled and condemned,	279
regulations the same, if to be transported coastwise,	279
<i>Inspector general</i> ; appointment, oath and tenure of office,	274, 281
bond to treasurer of the state,	274
his deputies, and responsibility for them,	274
to attend in twenty four hours, after request to inspect, &c., if over five barrels,	274, 275
place of inspection to be under his control,	275
charges to be paid or secured in advance,	275
to pack, &c., in barrels or half barrels,	275
to be responsible for coopers and others in his employ,	275
to make returns to secretary of state, in January,	280
may administer oaths to his deputies, or others on business of office,	280
to weigh hides of beef cattle, and grant certificates;	281
<i>Penalties</i> , for misconduct of inspector or his deputy,	278

BEEF AND PORK.

<i>Penalties</i> for fraudulently branding by a person, not an inspector,	278
for intermixing or shifting beef, &c., in casks,	278
for shipping beef or pork, uninspected,	279
how recovered, and to whose use,	280
for weighing unlawfully,	280
for purchasing beef cattle, not legally weighed, unless, &c.,	281
<i>Pork</i> , for exportation, how packed, salted and branded,	276, 277, 278
<i>Weighers</i> of beef cattle, appointed and sworn, form of their certificate,	280, 281
BEEETS, sugar, standard weight of. <i>Chap. 72,</i>	319
BELLS, to horses with sleighs or sleds,	213
BETTERMENTS. <i>See Real actions. Chap.</i>	
145,	613 to 615
allowed in cases of persons holding under the state,	565
— recoverable by bill in equity,	565, 566
BETTING, ON ELECTIONS. Act of 1841. <i>Chap. 172,</i>	776, 777
<i>Conveyance</i> of real estate, in pursuance of a bet upon an election, void,	776
<i>Forfeiture</i> , of a sum equal to the wager, of goods, &c., pledged on a wager,	776
Loser may recover back the sum paid,	776
<i>Majors</i> of cities and treasurers of towns, bound to sue for forfeitures,	776
BILLS, engrossed under the direction of the secretary of state,	73
BILLS OF EXCHANGE, &c., notarial duties respecting,	263, 264
dishonored, damages on, if payable out of the state,	510
— if payable in the state,	510
BIRTHS AND DEATHS, RECORDING OF. <i>Chap. 38,</i>	258
<i>Clerks</i> of towns and plantations, to record births and deaths,	258
<i>Parents</i> and others to give notice to clerks, of such event,	258
<i>Penalty</i> for neglect, and how recovered,	258
BLASPHEMY, punishment for,	688
BOARD of health. <i>See Contagious sickness. Chap. 21,</i>	187
BOARDS, planks, &c., how surveyed and measured. <i>Chap. 66,</i>	310
BOATS AND LIGHTERS, AND PROTECTION OF HARBORS. <i>Chap. 43,</i>	270, 271
<i>Ballast</i> , not to be thrown overboard in harbors, not to be taken from lands without leave of owner,	271
<i>Fees</i> of persons appointed to examine lighters,	271
<i>Lighters</i> carrying stones, &c. to be marked according to weight, &c.,	270
forfeiture of owner, for not marking, or for putting false marks,	270
to be inspected in April or May,	271
marks then to be altered, if necessary,	271
<i>Penalties</i> for neglect, &c.,	270, 271
BOND, of defeasance, not to defeat a deed, unless recorded,	374

BOND.

to judge of probate, not deemed sufficient, till he indorse his approval,	434
forms of by executors and administrators,	436, 437
— special administrators,	445
— surviving partners,	447
— executors, &c. of a deceased partner,	448
— guardians,	462, 464
— testamentary trustees,	465
— by executors and others, licensed to sell real estate,	469
— — — — — remedy thereon,	474
refunding, when to be given, on distribution of personal estate,	452
of sheriffs and coroners, where to be sued,	482
jury to assess damages in actions on,	506
given by plaintiff in replevin,	570, 572
remedy on the same by defendant,	573
by owner of forfeited goods,	576
form of, in replevying a person,	604
to be filed on suing out a writ of error,	606
by debtor, under arrest on mesne process, to disclose after judgment,	627
— proceedings after judgment,	632
by debtor arrested on execution,	628
— proceedings for breach of the same,	632
by debtors arrested, &c., though penalty exceed, &c., valid,	632, 633
officer, in such case, liable only for actual damage,	633
suits upon, limited to one year only, except, &c.,	633
BONDS, probate, general provisions, &c. <i>See Probate bonds, &c. Chap. 113.</i>	475
BONFIRES, penalty for making,	255
BOOKS, to be furnished to scholars at schools, by parents, &c., or by the selectmen,	163
BOOTS AND SHOES. <i>See Leather, &c. Chap. 65,</i>	309
BOTTOMRY, contract of, need not be recorded,	558
BOUNDARIES, of towns, how established, preserved and settled. <i>See Town meetings &c. Chap. 5.</i>	59, 60
of counties. <i>See Appendix.</i>	795 to 804
BOUNTIES, on heads of wolves and bears, on silk. <i>See Silk, &c. Chap. 68.</i>	260
316	
BRIBERY, of public officers and others, at elections, punished,	678, 679
71	
BRICKS, not to be burnt in places prohibited by towns,	697
BRIDGES, travelers on, may be restricted in speed,	213
toll. <i>See Turnpike corporations, &c. Chap. 80,</i>	338 to 344
huilt by rail road corporations, to be supported by them,	347
and roads, malicious injury to,	693
BUILDINGS, demolished to stop fires; compensation for. <i>See Engines, &c. Chap. 33,</i>	250
when to be deemed boundaries of roads, or public places,	209
lien of mechanics and others on, and how secured,	558, 559

- BUILDINGS, lien of landlord on, for ground rent, and how secured, 559
malicious injury to, punishment, 695
entering with felonious intent, &c., 669
- BURGLARY. *See Chap. 155,* 669
- BURNING, malicious, of buildings or other property. - *Chap. 155,* 668, 669
— to defraud insurers, 692
- BURYING GROUNDS. *Chap. 23,* 189
Incorporation, of individuals, for the purpose of holding burying grounds, 189
— such corporation to keep their burying ground fenced, 189
Land appropriated, description of to be recorded, 189
exempt from attachment, and unalienable except by unanimous consent, 189
Penalties, if incorporated proprietors neglect to make and repair fences, 189
for neglect of towns or parishes to make and repair fences, 189
if officers of towns and parishes neglect to appropriate fines, 189
Towns, and parishes, to keep their public burying grounds fenced, 189
and plantations may raise money for purchasing and fencing, 189
- BURYING GROUNDS, removal of buildings, fences, &c., therefrom, 209
not liable to be taken in execution, 383
- BUTTER AND LARD, INSPECTION OF. *Chap. 53,* 286 to 288
Butter and lard, not to be exported, till inspected, unless to states east of New York, 286
in casks, kegs or firkins, to be distinguished as first, second, third quality, or refuse, 286
how to be branded, 287
may be seized, if illegally shipped, 288
- Casks, kegs and firkins, materials and dimensions, 287
to remain three days, filled with brine, and weighed and marked, when emptied, 287
- Deputy inspector, to be sworn and give bond to the inspector, 286
duties. *See inspector.*
- to make returns to the inspector, 288
- Exportation, certificate of inspector first required, 287
— master or owner to make oath, 287
evidence of intended place of, 287
no inspection necessary in this state, if already inspected in another, 288
- Inspector; appointment, tenure, oath, bond, 286
to appoint deputies, 286
mode of inspection, 286
to make returns in January, to the secretary of state, 288
- Penalties; recovery, appropriation, &c., 288
- BY LAWS of towns regulated, 59
- CALENDAR of prisoners, to be kept by the sheriff, 424
— to be exhibited by jailer to the courts, 425
- CANALS, how crossed by rail roads, 347
- CAPITAL STOCK of manufacturing corporations, amount how fixed and divided, 331
- CAPITAL CASES, writs of error in, 606
- CAPITAL PUNISHMENT, how inflicted, 706
- CAPTION of deposition; form, 581
- CASE, action on, equivalent to trespass, 499
action on, for contracts, limited to six years, 617
— for escape on execution, limited to one year, 617
- CATTLE, malicious injury to, 693
- CERTIFICATE, by members of limited partnerships, requisites, 265
of discharge of poor debtors; form, &c., 630, 634
- CERTIORARI, writ of. *Chap. 143,* 605, 606
- CESSION of lands to the U. S. for light houses, forts, arsenals, &c., 47
compensation therefor, 47
- CHALLENGING to fight duels, how prosecuted and punished, 664
- CHALLENGE of jurors, right of, in capital cases, 718
— in other criminal cases, 720
- CHANCERY, powers of the S. J. court, 395, 396
remedies between co-executors, 442
- CHAPLAIN of the state prison; duties, &c., 734, 775
salary of, 776
- CHARTERERS. *See Pilotage, shipping, &c. Chap. 47,* 268
- CHARTERS, of banks, to expire Oct. 1, 1847, 762
of manufacturing corporations, subject to legislative control, 333
- CHASTITY, MORALITY AND DECENCY, OFFENCES AGAINST. *Chap. 160,* 684 to 690
Abortion, procuring or attempting, 686
Adultery, and cohabitation by parties divorced, 685
Blasphemy and profanity, 687, 688
Cohabitation, unlawful, with a married person, 686
Concealment, by the mother, of birth or death of a bastard child, 686
Cruelty to animals, 690
Dead bodies, provision for protection of, 689, 690
Drunkenness, 690
Gaming, 690
Houses of ill fame, 686, 687
Incest, and crime against nature, 685
Lewdness, open and gross, 686
Lord's day, regulations respecting, 688, 689
Marriage, with a party already married, 686
Obscene books and pictures, 685
Polygamy, 687
Worship, public, disturbance of, 688
- CHATTLES, replevin of. *See Replevin of beasts and chattels. Chap. 130,* 570
- CHEATING BY FALSE PRETENCES, GROSS FRAUDS AND CONSPIRACY. *Chap. 161,* 691, 692
Affidavits and protests, making false, 692
Bills of lading, &c., false, 692
Burning property, to defraud insurers, 692

CHEATING, &c.

- Conspiracy*, to prosecute an innocent person,
or for other purposes, 692
Conveyances, fraudulent, 691
False tokens and pretences, to obtain money,
&c., 691
Frauds at common-law, 691
Suppression, fraudulent, of wills and testa-
ments, 691

Vessels, fraudulent destruction of, 691, 692

CHILDREN. *See Parents and children. Chap.*

- 88, 363
how disposed of, on divorce of their parents,
367, 368
exposure and abandonment of, 666

CIRCULATION of private notes, &c.; as mon-
ey, prohibited, 763CITATION to creditor for debtor's disclosure,
&c., 625, 628, 629, 634CITIES, deemed towns, in construction of laws,
46, 66

to provide for support of poor, 247

CLAIMS against insolvent estates. *Chap.* 109, 454

— contingent, 455

CLAMS, PACKING. *Chap.* 59, 301

Clams, how packed and branded, 301

liable to seizure, unless, &c., 302

Inspectors, appointed for towns; duties, &c.,
301, 302

Penalties; how recoverable, 302

CLAPBOARDS; dimensions and quality.

Chap. 66, 311

CLASSED TOWNS. *See Elections, &c.* 21, 22, 68

CLERK AND COMMISSARY of the state

prison, 728, 733

CLERKS OF THE JUDICIAL COURTS. *Chap.* 100.

412 to 414

Bond, remedy upon, and appropriation of pen-
alty, 414

Clerks; appointment, tenure of office, 412, 413

to officiate in all the judicial courts in the
county, 413

oath; bond to the state, 413

to account annually with the county treas-
urers, 413

— penalty for neglect to pay over, 413

to certify to assessors, fines due from their
towns, 413

to record marriages, certified to him by
clerks of towns, 413

power to receive fines and costs, for the use
of the state, 413

— to pay over to county treasurer, 413

to transmit, to secretary of state, certifi-
cates of fines, forfeitures and bills of costs, 414

Courts, may appoint a clerk pro tem., 413

his oath and bond, 413

Judges, to examine the clerk's records, 414

Penalty, if clerk take illegal fees, 414

CLERK OF JUDICIAL COURTS, when to

act as register of deeds, 78

not eligible, as county treasurer, 80

CLERKS OF JUDICIAL COURTS.

to receive bills of costs in criminal prosecu-
tions, and pay to county treasurer, 80
custody of records of deceased notaries, 263, 264
power to adjourn courts, in certain cases,
396, 401, 410

to be clerk of the county commissioners, 410

to record appointment and discharge of dep-
uty sheriffs and jailer, 421

rule, for apportionment of jurors, 588

what part of fees of his office to be retained

by him, 640, 641

fees of the office, 643, 644

duty as to fines and costs. *See Chap.* 152. 657

in what cases his minutes to be authority to
officer, to execute sentence, 706

CLERKS of courts, to record returns of mar-
riages, 361

to keep records of justices deceased or re-
moved, and make copies therefrom, 515

CLERK OF S. J. COURT, may take deposi-
tions in perpetuum, 582, 584CLERK OF DISTRICT COURT, to record
forfeited recognizances for debt, and issue
executions, 593CLERK, town; election, oath, &c. *See Town
meetings, &c.*, 57CLERKS of towns and plantations, to record
births and deaths, 258

records of proprietors of common lands to
be deposited with, after final division, 356

to publish intentions of marriage, 359

to make return of marriages to the clerk of
the courts, 361

to record attachments of personal property
in certain cases, 487

to record mortgages of personal property, 558

COAL. *See Firewood, bark and coal. Chap.* 60. 302

CODICIL, included in the term, will, 46

COHABITATION, unlawful, punished, 686

COINS, counterfeiting, &c., 675, 676

COLLECTION OF TAXES. *See Taxes, &c.*, 83

— heretofore assessed, not affected by re-
vised statutes, 87, 747

COLLECTORS OF TAXES, how chosen, 57

to collect school district taxes, 167

imprisoned, may be relieved as poor debtors, 634

COLLEGES, to be endowed by legislature, in
case, &c., 31, 32

presidents of, tenure of office, 172

duty of officers of, to inculcate virtuous prin-
ciples, &c., 170

COMMENCEMENT, of civil actions. *See Ac-
tions, commencement of. Chap.* 114. 481 to 495

— place of, when both parties live in the
state, 481

of an action, what to be deemed to be, as af-
fecting limitation, 618

of proceedings in criminal cases. *Chap.* 171,
712 to 716

COMMISSARY of the state prison, 728

COMMISSIONS, how signed, attested and sealed, 33

See Secretary of state, 73

- COMMISSIONS.**
 term of. *See Tenure of office,* 76
 duties on, for use of the state, 638
 to be retained till payment of duty, 73
- COMMISSIONS, for depositions to be taken,**
 out of the state, 582
- COMMISSIONER of the treasury,** 73, 75
- COMMISSIONERS, BANK; their appointment,**
 powers and duties, 759, 760
- COMMISSIONERS to dispose of timber and**
 cord wood, by order of court, 596
- COMMISSIONERS, COUNTY. *See County***
commissioners. Chap. 99, 408
 action of debt on their judgments, 412, 765
- COMMISSIONERS TO TAKE ACKNOWLEDG-**
MENT OF DEEDS AND OTHER CONTRACTS,
AND DEPOSITIONS IN OTHER STATES.
Chap. 134, 586
 may administer oaths, &c., 586
 oath of office and seal, 586
- COMMISSIONERS, to make partition of real**
 estate, 546, 547
 to appraise damages for flowing land,
 on insolvent estates. *Chap. 109,* 454
 — when a subsequent commission may be
 issued, 458
 of wrecks and shipwrecked goods. *See*
Wrecks, &c. Chap. 49, 271
- COMMON, LANDS, WHARVES, AND OTHER**
REAL ESTATE LYING IN, MANAGEMENT
OF. Chap. 85, 354 to 356
- Bylaws,* of proprietors, to be approved by the
 county commissioners, 355
 penalties for breach of, 355
Meetings of proprietors, how called and notifi-
 ed, 354, 355
 votes and proceedings in, 355, 356
- Officers,* choice and duties of, 355
- Proprietors,* meeting for organization of, how
 called, 354
 may prosecute and defend suits, 355
 may raise and assess moneys, 355
 power of, to manage, divide, and dispose of
 property, 356
 records of, to be deposited with town clerk, 356
 corporate powers and liabilities of, to con-
 tinue ten years after final division, 356
- Treasurer,* collector or committee to publish
 assessments, 355
 — may enforce payment by sale of delin-
 quent's rights, 355
 — proceedings of, in making sale, 355, 356
 — right of redemption, in such case, 356
 — may enforce payment of assessment by
 suit, 356
- COMMON, public, removal of buildings, &c.**
 from, 209
 tenancy in, when created, 372
 lands in, how set off, on execution, 384
 — liable to partition, 544
- COMMON FIELDS. *See Fences and common***
fields. Chap. 29, 223 to 227
 organization of proprietors of, 224, 226, 227
- COMMON FIELDS.**
 proprietors of, not to put in stock, contrary
 to regulations, 225, 226
 — remedy by, for injuries, by beasts, of a
 stranger, 226
 lines between, to be run once in two years, 226
 association of, how discontinued, 226
 part of, how set off into a distinct corpora-
 tion, 226, 227
- COMMON VICTUALERS. *See Innholders,***
&c. Chap. 36, 254 to 257
- COMMON CARRIERS, not empowered to sell**
 as agents, 262
- COMMON LAW, jurisdiction of the S. J. court,** 395
- COMPLAINT, for flowing lands, against owners**
 of dams, &c., 560
 new, may be brought by either party, 562
 for a writ of habeas corpus, 597, 598
 proceedings by, in criminal cases, 712
- COMPLAINANT, not allowed costs, as a wit-**
 ness, unless, &c., 655
- COMPOUNDING of felonies,** 680
- CONDITIONAL JUDGMENT, on mortgages,**
 554, 555
- CONDITIONAL PARDONS. Chap. 174,** 723
- CONFINEMENT, forcible, of any person,** 665
- CONSIDERATION, not necessary to be in**
 writing, by chapter on frauds, &c., 591
- CONSPIRACY, definition and punishment,** 692
- CONSTABLES, how chosen,** 57
 when to become collectors of taxes. *See*
Taxes, &c., 95
 duty of, as to watch and ward. *See Watch*
and Ward. Chap. 31, 234, 235
See Sheriffs, &c. Chap. 104. 418, 765
- may make second attachment of property,
 held by a sheriff or coroner, 519, 520
 to notify town meetings to draw jurors, 588, 589
 to notify jurors and make return, 589
 service of writs of habeas corpus, 598, 599
 their fees, 647, 655
 to pay over fines and costs to the county
 treasurer, 657, 658
 corrupt agreements by, to procure business,
 punished, 679
 to disperse unlawful assemblies, 683
 to serve warrants issued by coroners, 725
 to commit persons to town houses of correc-
 tion, by order of overseers, 743
- CONSTRUCTION of statutes,** 44
 of conveyances. *See Deed. Chap. 91.* 372, 373
- CONTAGIOUS SICKNESS, PREVENTION OF.**
Chap. 21. 182 to 188
Articles infected, process for securing, 183
Board of health, choice, powers and duties of, 187
Border towns, selectmen of, to take precau-
 tions against introduction of infectious
 diseases, 183
Committee, health, choice, powers and duties
 of, 184 to 186
Courts, may adjourn from infected places, 184
Cow pox, inoculation for, at expense of towns, 188

CONTAGIOUS SICKNESS, &c.

- Drains* and other sources of filth, how discontinued, 184
- Forfeitures*, how recovered. *See penalty*, 187
- Health committee* or officer, choice and duties of, 184, 185, 186, 188
- Hospitals*, to be provided for infected persons, 186, 187
- regulations of, 186, 187
- Householders*, to give notice of infection at their houses, 187
- Infected*, articles, how secured, and expense paid, 183, 184
- places, restrictions on persons coming from, 182
- courts may adjourn from, 184
- persons, how taken care of, and secured, 182, 183
- prisoner, may be removed from jail, 184
- vessels, passengers and others not to land from, 185
- Infectious disorders*, removal of persons affected with, 182
- precautions against introduction, or spread of, 182, 183, 187
- householders and physicians, to give notice of, 187
- on board vessels, notice to be given of, 185
- Inoculation*, for small pox, prohibited, except at hospitals, 186
- for cow pox, may be at expense of towns, 188
- Masters* of vessels infected, duty of, on arrival, 185, 186
- Nuisances*, to be removed by health officer or committee, 185
- Officers*, to serve process for removal of infected articles or persons, 183, 184
- Owner*, of drain or other source of filth, to remove the same, 184
- Passengers*, in vessels infected, restrictions on, 185
- Penalty*, if persons coming from infected places refuse to give information, when requested, 182
- if person, removed by warrant of selectmen, return without license, 183
- for persons, coming into a town from an infected place, if prohibited, 183
- for refusal to aid, in removal of infected articles, 183
- if owner refuse to remove a private nuisance, if required, 185
- if master or other person on board a vessel suspected, refuse to answer inquiries, 185
- if master of an infected vessel anchor near a town, or suffer persons to go on shore, 185
- for breach of quarantine, by master or others on board vessels, 185, 186
- for pilots not notifying quarantine, 185, 186
- for inoculating with small pox, except at hospitals, 186
- for violation of hospital regulations, 187
- if householders or physicians neglect to give notice of infectious diseases, 187

CONTAGIOUS SICKNESS.

- Pilots*, duty of, in respect to infected vessels and quarantine, 185
- Plantations*, subject to regulations respecting contagious sickness, 188
- Prisoner*, infected, may be removed from jail or place of confinement, 184
- Quarantine regulations*, may be established, 185, 186
- notice of, how given, 185, 186
- expenses of, how paid, 186
- Selectmen*, powers of, for prevention of contagious sickness, 182, 183, 185, 186, 187
- may remove persons coming from infected places, 182
- of border towns, may take measures to prevent introduction of infectious disorders, 183
- may establish quarantine regulations, 185
- Signals*, to be furnished for vessels at quarantine, and for hospitals, 186, 187
- Small pox*, inoculation for, prohibited except at hospitals, 186
- hospitals to be provided for, and regulations, 187
- Towns*, may provide for inoculation for cow pox, 188
- Vessels* infected or coming from infected places, restrictions on, 185, 186
- CONTAGIOUS SICKNESS in the state prison, prisoners may be removed, 735
- CONTEMPT OF COURT, punishable, 395, 401, 430
- by officer refusing to execute a writ of habeas corpus, 601
- CONTESTED ELECTIONS of representatives; notice to person returned, and proceedings, 68, 69
- CONTRACTS, obligation of, not to be impaired, 19
- power of S. J. court to compel specific performance, 395
- certain, void, unless in writing signed, &c., 590, 591
- arrest for, on mesne process, prohibited, except, &c., 624
- disclosed by debtor, how applied to the benefit of the creditor, 627, 629, 630
- CONTRIBUTION, by legatees and devisees. *See Wills, &c. Chap. 92*, 376, 377, 378
- CONUSOR AND CONUSEE. *See Recognizances for debt*, 592, 593
- CONVEYANCES, by deed. *See Deed, &c. Chap. 91*, 371 to 374
- fraudulent, punishment, 691
- CONVICTED persons, not, as of right, entitled to habeas corpus, 597
- for infamous crimes, &c., not competent to testify, 585
- CONVICTS, POOR, LIBERATION OF. Chap. 175,
- 723
- Convicts*, unable to pay fine and costs, may be liberated, on giving notes, after 30 days, 723
- False statement*, as to property, effect of, 724
- Lien* on convicts' real estate, 724
- CONVICTS, POOR, securities taken on their discharge, 81

CONVICTS.

- in the state prison, guardians for, 461
- under sentence for life, considered as dead, 770
- sentenced to hard labor, how removed to the state prison, 732
- may be lodged in jails, pending their removal, 732
- their effects to be taken care of, by the warden, 737
- clothing, &c., allowed on their discharge, 737
- when may receive a certificate of good conduct, 737
- COPARCENERS, liable to process for partition, 544
- to notify cotenants before cutting trees, &c., 568
- may join or sever in actions for injury to lands, 569, 570
- also in real actions, 610
- COPY OF PROCESS, to be furnished by officers, holding persons in custody, under penalty, 601
- CORD WOOD and timber, disposal of. *See* *Timber, &c. Chap. 139,* 596
- CORINNA, annexed to Penobscot county, 803
- CORN AND GRAIN; measurers of. *Chap. 71,* 318
- CORONERS, powers and duties in civil cases. *See* *Sheriffs, &c. Chap. 104.* 418, 765
- bonds of, where to be sued, 482
- may make second attachment of property held by a sheriff, &c., 519
- service of writ of habeas corpus, 598, 599
- fees, 647
- to pay over fines and costs collected, to county treasurer, 657, 658
- corrupt agreements by, to procure business, 679
- inquest. *See* *Inquests, coroners' Chap. 176.* 724
- CORPORAL PUNISHMENT under military laws, restricted, 19
- CORPORATIONS. *Chap. 76,* 325 to 330
- By laws and regulations,* 326
- Charters,* expiring by limitation, extended three years for closing affairs, 329
- rights of individual stockholders on expiration of, 330
- certain, liable to be repealed, 329
- Clerks* to file certificate of appointment with register of deeds, 326
- office and records of, where to be kept, 326
- to disclose names and amount of liability of stockholders, 329
- to return names of stockholders to assessors of towns, and to secretary of state, 327
- Contracts,* parol or implied, when binding, 326
- property and franchise of corporation, liable for, 328
- Corporate debts,* stockholders liable for, in certain cases, 328, 330
- proceedings to levy executions on them therefor, 328
- special action against stockholders for recovery of, 328
- clerks to disclose their names and amount of liability, 329

CORPORATIONS.

- Corporate debts* may be recovered or apportioned by bill in equity or action at law, 329
- Execution,* how levied on stockholders for deficiency of corporate assets, 328
- Foreign corporations,* privileges allowed to, 326
- liable to suits, 330
- General powers* of corporations, 325, 326
- Inhabitants* of towns, and members of other quasi corporations, how indemnified for property taken to pay corporate debts, 330
- Meetings,* of corporations, how called and notified, 326, 327
- who may preside at the opening of, 327
- powers of presiding officer, 327
- proceedings in, legal, if all the members assent, though not legally called, 327
- Names* of stockholders and amount of stock, to be annually returned to assessors of towns, 327
- also to secretary of state, to be laid before the legislature, 327
- may be sent by mail, 328
- Penalty,* if clerk or cashier neglect, 328
- Real estate,* may be held or transferred by corporations, 327
- Shares,* how transferable, 327
- Stockholders,* liable for debts in certain cases, 328, 330
- Trustees* may be appointed by the S. J. C., to close the concerns of a corporation, when its charter expires, 329
- powers and proceedings of, 329
- court to have chancery jurisdiction in such cases, 329
- CORPORATIONS, included in the word, person, 45
- manufacturing. *See* *Manufacturing corporations. Chap. 78,* 331 to 333
- actions by or against, where to be commenced, 432
- attachment of shares in, or franchise of, 487, 517
- sale of shares in, or franchise of, 517, 518, 520
- clerk of, bound to certify to an officer, the number of shares held by a debtor, 518
- purchaser of shares in, on execution, entitled to a certificate thereof, 518
- entitled to dividends after the attachment, 518
- warrants against, for damages, how enforced, 520
- liable to be summoned as trustees, 528
- demand upon, before action of dower, 607
- sole, on demise, after disseizin, five years allowed successor to enter, &c., 621
- how to be notified by imprisoned debtors, 634
- holding shares in banks, liable for debts, &c., as individuals are, 757
- CORRECTION, houses of. *See* *Houses of correction. Chap. 178.* 738 to 743
- COSTS, in suits on usurious contracts, 318
- on appeals from the district courts, 401, 402
- in probate proceedings, 434
- recoverable by prevailing party in a suit, 503, 513
- double or treble, meaning of, 507

COSTS.

- for respondent, against unsuccessful applicant for certiorari, mandamus or quo warranto, 507, 508
- on nonsuit or discontinuance, to be paid before plaintiff brings a new suit, 508
- individuals liable for, in suits in the name of the state for their benefit, 508
- state liable for, in suits in its own behalf, 508
- for travel, not to be taxed by state's attorney, 508
- restricted, if plaintiff brings several actions at the same court, which might be joined, 508
- for travel and attendance, how taxed, 508, 509
- not taxable, in action on a judgment, where execution might issue. Exception, 508
- may be controlled by the court, as a condition for granting amendment or continuance, 509
- full, allowed, where plaintiff's demand is reduced by a set off, 509
- for trustee, when and how taxed, 523, 538
- when an executor or administrator is personally liable for, 539, 540, 541
- when recoverable in process for partition, 545
- in actions of review, 552
- on complaints for flowing land, &c., 561, 562, 563
- on process to recover state lands, &c., 564, 565
- on writs of error and certiorari, 606, 607
- when real actions survive, 611, 612
- when tenant offers judgment for part of the demanded premises, 612
- when he names a value for his improvements, allowed to creditor, if a discharge on examination is refused to debtor, 614
- on process, for sureties to keep the peace, &c., 708
- COSTS, regulation of. *See Fees and costs in certain cases, &c. Chap. 151.* 641
- COSTS, TAXATION OF; AND THE COLLECTION AND DISPOSAL OF FINES AND COSTS, IN CRIMINAL PROSECUTIONS. *Chap. 152,* 654
- Clerk of the judicial courts, certificates of fines and costs, required of him,* 657
- to collect fines and costs; and, if not paid, to issue process, 657
- Complainant, unless a police officer, &c., not to be allowed fees, as a witness,* 655
- County attorneys, to prosecute officers, delinquent in paying over fines, costs, &c.,* 658, 659
- to make reports to secretary of state, 660
- County commissioners, to examine bills of costs, charged by justices of the peace, to examine jailers' charges,* 656, 657
- County treasurer, duty, as to fines and costs,* 657, 658, 659
- Courts, judicial, duty, as to costs in criminal prosecutions,* 656
- Courts, municipal and police, duties as to fines and costs,* 660
- Fees, if not called for, when forfeited to state,* 656, 658
- Justice of the peace, allowed fees for one complaint and warrant only, unless more are necessary,* 655

COSTS, &c.

- Justices of the peace, to receive no fees, when the accused is recognized, &c., unless the grand jury find a bill,* 655
- his duties as to witnesses, summoning, &c., 655, 656
- collection of fines and costs, 656
- to account for and pay over fines, &c. to county treasurer, 656, 658
- to certify costs in appealed cases, 656
- finer imposed by, for use of the state, to be paid into the county treasury, 658, 659
- Officers, to be allowed no extra charge, unless for aids, &c., proved to be necessary,* 655
- to pay to county treasurer, fines, &c., collected, 657
- penalty for neglect, 657
- Prisoners in jail, expenses of their support,* 656, 657
- Secretary of state, duties in relation to fines, &c. certified to him,* 659
- Securities, for fines, &c., taken by sheriff, to be delivered to county treasurer,* 659
- treasurer to exhibit a schedule to the county commissioners, 659
- proceedings of commissioners, 659
- Witnesses, how summoned, &c., fees, how taxed,* 655
- allowed only one travel and attendance, although summoned in several cases, 655, 656
- on what day to attend the terms of the S. J. court, 656
- COUNCIL, how composed; their proceedings, 29
- members of, not to be appointed to office, 29
- compensation, 641
- COUNSEL, right to be heard by, in civil and criminal cases, 18, 19, 417
- COUNTERFEITING. *See Forgery and counterfeiting. Chap. 157,* 672
- COUNTIES, conveyances to, 373
- actions by or against, where to be commenced, 482
- service of writs upon, 487
- boundaries of. *See Appendix,* 798 to 804
- jurisdiction of offences, within 100 rods of their boundaries, 702
- jurisdiction, concurrent, when death happens in one, from an injury received in another, 702
- when injury was received out of the state, 702
- COUNTY, in which trustee process is to be brought, 527
- when recognizances taken within, for offences committed without, 713
- COUNTY ATTORNEYS. *See Attorneys county. Chap. 102,* 415
- and attorney general, to attend examinations of debtors to the state, 636, 637
- COUNTY BRIDGES, roads and ways, implied in, "highway," 45
- COUNTY BUILDINGS. *See County commissioners,* 409

COUNTY BUILDINGS.

- provision, when location is proposed to be changed, 411
- COUNTY COMMISSIONERS. *Chap. 99, 408, 765*
- Actions*, on judgments of the commissioners, 412, 765
- Buildings* county, duties of commissioners, 409
- proceedings when change of location is proposed, 411
- towns to vote upon the question; returns how made, 411
- Clerk* of judicial courts, to be clerk of the commissioners, 410
- if other courts are in session, he may appoint a clerk, pro tem. 410
- mode of certifying records, 410
- Commissioners*, mode of constituting the board, and tenure of office, 408
- their general powers and duties, 409
- to provide fire proof buildings for records and offices, 409
- not to appoint themselves agents to lay out money, 411
- Compensation*, of the commissioners, 410
- accounts for; how audited, 411
- to be published, and copies sent to the secretary of state, 411
- Meetings*, times and places for holding, 409
- two to be a quorum; provision in case, &c., 410
- Officers*, to obey the precepts of the board, 411
- Petitioners*, to pay expenses, if prayer not granted, 410
- Prisons*, state of, to be examined, 409
- Prisoners* for debt, to be kept separate from criminals, 409
- Towns*, inhabitants of, making payments on warrants, &c. of commissioners, their remedy, 412
- Warrants* of distress, regulations respecting, 411, 412

COUNTY COMMISSIONERS, duty as to election of register of deeds, 77, 78

- to approve county treasurer's bond; to appoint in case of a casual vacancy, 80
- may direct application of money by the treasurer for county expenses, 80
- to prepare estimates for county assessments, 87
- to issue warrant to assessors, 88, 747
- their power to abate taxes, 88
- when they may appoint assessors, 89, 90, 748
- may organize plantations, 92
- powers of, in relation to highways. *See Ways. Chap. 25,* 193 to 202
- powers of, in relation to town ways, 198
- in relation to opening and repairing highways in unincorporated places, 200, 201
- may license ferries, and regulate tolls, 215
- may license auctioneers, if selectmen unreasonably refuse, 267
- proceedings by, in relation to fishways, 305, 306
- appeal from their decision to the S. J. court, 306

COUNTY COMMISSIONERS.

- in counties of Hancock and Penobscot, to act jointly, 306
- if equally divided in opinion, S. J. court to decide, 306
- may license venders of tin ware, on certain terms and conditions, 324
- duty of, in relation to turnpike corporations, 339, 342, 343
- powers of, in relation to rail road corporations, 345, 346, 347
- to approve by laws of proprietors of lands, &c. in common, 355
- duty, as to sheriffs' and coroners' bonds, 419, 420, 765
- to appoint a jailer, if there be no sheriff nor jailer, 422, 423
- their proceedings, when a prisoner escapes from deficiency of jail, 425
- action of debt will lie on warrant of, 521
- to divide counties into jury districts, 588
- to determine price of articles, furnished poor debtors in prison, 635
- power to release from prison, poor debtors to the state, 636
- their fees, 648
- duties as to criminal bills of costs, 656, 659
- to audit jailer's accounts for support of prisoners for crimes, 657
- duties respecting houses of correction. *See Houses of correction. Chap. 178,* 738
- to give notice to proprietors, of petitions for locating, or for assessments to repair roads in unincorporated places. *Act of 1841, Chap. 196;* 778
- appeal from their decision to the S. J. court, 778
- COUNTY REGISTER. *See Register of deeds,* 77
- COUNTY TREASURERS; CHOICE, POWER AND DUTIES OF. *Chap. 12,* 79
- Accounts*, annual, to be rendered to the governor, 81
- other exhibits of sums due, at the same time, 81
- Bills of costs* allowed, to be transmitted to state treasurer, 80
- certificate of clerk, a voucher, 80
- receivable by clerk, before issue of execution, and to be paid to treasurer, 80
- Bond*, payable to clerk; approved by the commissioners, 80
- Commissions*, five per cent. on fines, &c., collected for the state, 80, 81
- Convicts*, expenses of in jail, charged to the state, and commissions, 82
- County commissioners*, in case of vacancy, &c. to appoint a treasurer, 80
- treasurer to account to them, 80
- to allow compensation to treasurer, 80
- Election*, on the second Monday of September, proceedings, as for register of deeds, 79
- certain public officers, ineligible, 80
- Financial* concerns of county, statement to be published in January, annually, 81

- COUNTY TREASURERS, &c.**
- Law library*, duties paid on admission, by attorneys, to be applied to, 81
 - Moneys*, applied as directed by the C. commissioners and judicial courts, 80
 - Money* and effects, belonging to the county, to be accounted for to the C. commissioners, &c., 82
 - Oath of office*, before the county commissioners, &c., 80
 - Penalties*, for neglect to account, &c., 81
 - Registry* of fines and bills of costs, 81
 - Schedule*, of securities for fines, &c., taken by sheriff on liberation of convicts, 81
 - Sheriff's accounts*, a copy to be transmitted to the secretary of state, 82
 - Taxes county*, payment to be enforced like state taxes, 80
 - estimates for, with treasurer's accounts, to be sent to secretary of state, 82
 - Treasurer of the state*, what balances payable to him, by county treasurer, 80
 - United States*, sums received of, for use of jails, 82
- COUNTY TREASURER**, his accounts to state treasurer, how registered, 75
- if he register of deeds, his bond to be given to clerk of the C. commissioners, 77
 - how to proceed, if towns neglect to assess a county tax, &c., 91
 - to certify to state treasurer, the assessment of taxes on unincorporated places, for repair of roads, 202
 - to procure weights and measures, conformable to state standards, 320, 321
 - to account for duties, paid to him on commissions, &c., 638
 - duty as to fines and costs. *See Chap. 152*, 657, 658, 659
- COURT, SUPREME JUDICIAL, AND ITS JURISDICTION; AND OF THE REPORTER OF ITS DECISIONS.** Chap. 96, 394, 764
- Adjournment*, by sheriff or clerk, in absence of the court, 396
 - all actions thereby continued, 396
 - Chancery*, jurisdiction, in certain cases, where parties have no remedy at law, 395
 - enumeration of such cases, 395, 396
 - forms of original process, 396
 - Exceptions*, may be taken to the opinion of a single judge; proceedings, 397
 - trial to proceed to verdict, 397
 - powers of full court, in relation to, 397
 - interest allowed, if verdict is sustained, 397
 - precautions, if exceptions appear frivolous, 397
 - Injunctions*, when to issue, and proceedings thereon, 396
 - Jurisdiction*, when concurrent with the district court, 396
 - appellate from the district court, 397
 - Justices*, number and qualifications, 395
 - their powers in civil actions, 395, 764
 - their criminal jurisdiction, 395
- COURT, SUPREME JUDICIAL, &c.**
- Justices*, general supervision of the courts, 395
 - power to issue special writs, for furtherance of justice, 395
 - conservators of the peace; incidental powers, 395
 - to exercise common law jurisdiction, 395
 - majority at any term, to exercise powers of the full court, 396
 - powers of a single justice at a law term, 396, 398
 - matters cognizable by two or more, 397
 - when the same cognizable by one judge, 397
 - Nisi*, proceedings, when actions are so continued for advisement, &c., 398
 - judgment in such cases; how attachments preserved, 398
 - Probate*, jurisdiction appellate, 398
 - records, examination of, 398
 - duty of S. J. court, if found deficient, 398
 - Reporter* of decisions; appointment, oath, tenure, 398
 - his duties, 398
 - Rules* and regulations, may be established by the court, 395
 - Terms*, of the court, when to be held by a majority, 396, 399
 - when, by a single judge, 396, 399
 - arrangements for completion of business, 398
 - how to designate days of commencement, 398
 - Writs* and processes, certain essentials, 395
- COURT, SUPREME JUDICIAL, judges' compensation, not to be reduced, during their term of office,** 30
- to give opinions, &c. on requisition of either branch of the government, 30
 - tenure of their office, 30; 42
 - to hold no other office, except of justice of the peace, 30
 - exempt from military duty, 31, 122
 - may appoint commissioners to settle disputed town lines, 60
 - duty, on proceedings against registers of deeds, &c., 78
 - equity powers, affecting members of limited partnerships, 267
 - nuisances, 699
 - appellate jurisdiction of fishways, 306
 - of proceedings of county commissioners. Act of 1841. Chap. 196, 778
 - jurisdiction of, in cases of divorce. *See Divorce. Chap. 89*, 364 to 368
 - may authorize, prospectively, investment of funds by trustees, &c., 466
 - power to license sales of real estate by executors, &c., 469, 470
 - power, to grant reviews, 530
 - jurisdiction of inquests of office, &c., 564
 - in cases of replevin, 571
 - may issue commissions to take depositions in perpetuum, out of the state, 583
 - traverse juries, not required for the law terms, except in special cases, 590

COURT, SUPREME JUDICIAL.

power to compel, &c., specific performance of contracts for conveyance of lands, by persons deceased,	591
may order standing trees to be sold, on lands held by separate interests, and avails invested,	596
See <i>Habeas Corpus</i> . Chap. 140,	597 to 602
may, at discretion, allow bail in all cases, except persons imprisoned by order of the governor, &c.,	602
proceedings on writs of error and certiorari,	605, 606
duty, as to costs in criminal cases,	656
jurisdiction in criminal prosecutions,	701
justices, may require sureties for the peace and good behavior,	707
power of a single judge, in capital cases,	718
when a special term may be held for a capital trial,	719
power of a single justice to issue injunctions against banks, on application of commissioners,	759, 760
his power to appoint or remove receivers for delinquent banks,	761
appeal from his decision, to the whole court,	761, 762
to have control of the records of the S. J. court of Massachusetts, now in this state,	764
may allow entry of an appeal from a district court, or complaint for affirmation of judgment, omitted at the proper term, through mistake, &c.,	768
— limitation of petition therefor,	763

COURTS, DISTRICT, AND THEIR JURISDICTION. Chap. 97,

Adjournment, in absence of the justice,	401
Appeal to S. J. Court regulated,	401
appellant to recognize,	401, 765
regulations, as to costs,	401, 402
proceedings, if not entered,	402
Costs, on exceptions carried up,	402
Districts, western, middle and eastern,	400
Exceptions, their effect to stay proceedings,	402
action transferred to S. J. court,	402
party alleging, to enter action above,	402
proceedings, when frivolous,	402
by person convicted, in criminal cases,	402, 403
process, if party do not appear,	403
Jurisdiction, in what cases original and exclusive,	400
to what cases, original and concurrent,	401
criminal; appellate in certain civil causes,	401
in relation to the records, &c. of the late court of common pleas,	401
Justices; appointment, jurisdiction, tenure of office, oath,	400
incidental powers,	401
when disqualified from interest, &c., transfer of jurisdiction,	401
provision in case of absence,	401
New trials, power of court to grant,	403
— at the same term or subsequently,	403

COURTS, DISTRICT:

New trials, restriction of power and limitation of time,	403
Rules, power of court to make,	403
Terms, times and places of holding,	403, 404
Writs and processes, form of; essentials,	401

COURTS, DISTRICT, in certain cases, to appoint a committee to locate reserved lots,

lots,	50, 549
judge, not eligible as county treasurer,	80
power to license executors, &c. to sell real estate,	469, 470
power, in granting reviews,	550, 777, 778
jurisdiction, of complaints for flowing lands,	560
— in cases of replevin,	571
— libels for forfeited goods,	576
may issue commissions to take depositions in perpetuum, out of the state,	583
proceedings on report of referees,	595
justice of, power to issue habeas corpus,	600, 769
— may bail prisoners, committed for bailable offences,	602
power to release, on disclosure, debtors to the state,	636
duty, as to costs in criminal prosecutions,	656
jurisdiction in criminal prosecutions,	701
justices may require sureties for the peace and good behavior,	707
power to send persons to the house of correction,	739, 740
may allow entry of an appeal from a justice, or municipal, or police court, or complaint for affirmation of judgment, omitted at the proper term by mistake, &c.,	763
limitation of petition therefor,	763
may grant reviews of certain actions, decided in the late court of common pleas. Act of 1811. Chap. 193,	777, 778

COURTS, MUNICIPAL AND POLICE, IN THE STATE. Chap. 98,

PORTLAND, municipal court in,	404
Appeal, as from a justice of the peace,	405
Courts, held on Mondays and Thursdays,	405
Fines and penalties, to be accounted for,	405
Judge; appointment, oath and tenure of office,	404
his jurisdiction, concurrent and exclusive,	405
not to act as counsellor or attorney, in any case,	405
jurisdiction enlarged, as to larceny,	405
— exclusive as to city bylaws,	405
powers, as to houses of ill fame,	405
may act, although penalty accrue to Portland,	405
Justices of the peace, one to be substituted in absence of judge and recorder,	405
in Portland, to assume no jurisdiction in civil or criminal actions,	406
— exceptions under laws of the U. S.,	406
Recorder; appointment, duties; fees,	405
his powers in absence of the judge,	405, 406
Vacancy in office, provision for,	405

BATH, municipal court in,

BATH, municipal court in,	406
Fines and penalties, to be accounted for,	407

COURTS MUNICIPAL, &c. BATH.

- Judge*; appointment, oath, tenure, his jurisdiction and duties. *See Portland*, 406; 407
- Justices of the peace*, their powers restricted, 407
- Recorder*, appointed by the judge, 406
- his powers and duties, 406
- BANGOR, *police court in*, 407
- Appeal*, right of, 407
- City* to defray expenses, &c., 408
- Courts*, when and where to be held, 407
- Judge*; tenure of office, jurisdiction, fees, 407
- Records*, to be kept by the judge, 407
- Vacancy*, provision for, 407, 408
- COURT, BANGOR POLICE. *Act of 1841*.
Chap. III, 773, 774
- Civil* and criminal jurisdiction of said court, 773
- Judge*, to account for fees to city treasurer, and give bond, 773
- books, records and papers to be open to inspection of mayor or committee, 773
- salary of, 773
- Justices of the peace*, in Bangor, prohibited from trying causes, 773
- exception under laws of the U. S., 773
- Penalty*, for so doing, 774
- COURTS, MUNICIPAL AND POLICE, duty of judges in relation to fines and costs, 660
- COURTS OF PROBATE. Chap. 105, 429, 766
- Administration*. *See Probate and administration*, 434
- Appeal*, when to be claimed, 432
- bond to prosecute, &c., to be filed, 432, 433
- exception, as to insane persons, &c., under guardianship, 432
- when cognizable by the S. J. court; intermediate proceedings, 433
- remedy for adverse party, if not entered, 433
- time extended in favor of persons out of the U. S., 433
- effect to stay proceedings below, 433
- Bonds*, to judge; approval to be indorsed, 434
- Costs*, in what manner awarded, 434
- Courts*, to be held on fixed days, and due notice given, 430
- Districts*, probate, when constructively deemed counties, 434
- Judge*; appointment and powers, 430
- jurisdiction, 430, 431, 766
- in certain cases, if assumed, voidable only on appeal, 432
- if legal, first exercised, excludes others, 430
- may issue processes, and to have a seal, 430
- officers, required to execute his precepts, 430
- power to punish for contempt, 430
- when interested, jurisdiction transferred, 431, 766
- subsequent proceedings, in such case, 431, 432
- not to be of counsel, nor attorney in matters incompatible, 432
- Oaths*, by whom administered, 432
- by a special commission, in certain cases, 434

COURTS OF PROBATE.

- Probate and administration*, not originally granted, after twenty years, 434
- amount of estate necessary for administration, 434
- if not enough, widow or next of kin may hold the property, 434
- Register*; appointment, oath, duties, 430, 431
- his bond, 431
- after breach of bond, disqualified to act, 431
- may be appointed, pro tem. by the judge, 431
- pro tem. to be sworn and give bonds, 431
- judge, to inspect his conduct, &c., 431
- how the penalty of his bond appropriated, 431
- liable to a further action, in case, &c., 431
- not to act as counsel, &c., in probate matters, nor as executor, &c., 432
- Supreme judicial court*, appellate jurisdiction, in probate matters, 432
- power to extend the time of entry, in case of accident, &c., 433
- notice to adverse parties; limited to a year, 433
- trial of questions of fact by a jury, 433, 434
- Witnesses*; compellable to attend probate courts, 430
- COURTS OF PROBATE, may authorize sales or investments of funds, held by guardians or trustees, 463, 466
- may license executors, &c., to sell real estate, 468, 469
- COURTS OF PROBATE. *Act of 1841*.
Chap. 149, 774, 775
- Jurisdiction*, transferred to oldest adjoining county, as to matters wherein a judge is interested, when appointed, 774
- records where to be kept, in such case, 775
- Judge*, may appoint special courts, and give notice thereof, and adjourn the same, 775
- may sign unfinished decrees of his predecessor, 775
- Register* may adjourn the court in the absence of the judge, 775
- COURTS, JUDICIAL, powers, as to county expenses, 80
- may appoint a clerk, pro tem., &c., 413
- proceedings in civil actions in. *Chap. 115*, 497 to 511
- not to be held on certain days, 510
- in which a writ of review is to be prosecuted, 551
- power to remit penalties on forfeited recognizances, 715
- power of justices to issue warrants, to apprehend criminals, 712
- COURT, proceedings in, in criminal cases.
Chap. 172, 716
- COURTS, disturbance of, by military parades, prohibited, 142
- COURTS MARTIAL. *See militia*, 148
- COVENANT, assignment of, breaches, and pleadings, in actions of, 499
- action of, may be brought by a subsequent purchaser against the first grantor, in certain cases, 499

- COW POX**, inoculation for. *See Contagious sickness. Chap. 21,* 188
- CREDITOR**, making an attachment, may be admitted to defend a previous suit, in which the same property was attached, 510
of a deceased person, when entitled to administration, 435
to give security for support of poor debtor, in prison, 634, 635
may release debtor from confinement, without discharging debt, 635
- CRIMES AND PUNISHMENTS, GENERAL PROVISIONS RELATING TO. Chap. 167,** 702
Accessories, before the fact, liable as principals, 703
— when and where may be tried, 703
after the fact, how tried and punished, 703
Attempt, with an overt act, to commit a crime, punishable, 704
Felony, constructive use of the term, 703
Fines and forfeitures, to be recovered, to use of the state, by indictment, unless otherwise provided, 704
Imprisonment in the state prison, to be not less than a year, 704
under sentence for life, civil death, 770
Intent to defraud, a sufficient allegation, without naming the party, 704
Owner, use of the term in indictments, 703, 704
Prosecutions for crimes, limited to six years, except in certain cases, 704, 705
- CRIMES**, capital or infamous, to be prosecuted by indictment only, except, &c., 19
proceedings for the prevention of. *Chap. 169.* 707
- CRIMINAL CASES, COMMENCEMENT OF PROCEEDINGS IN. Chap. 171,** 712
Bail may be taken after commitment, 715
Complainant, to be examined upon oath, 712
Examination, proceedings upon, before a magistrate, 713, 714, 715
Prosecutions, in certain cases, may be discontinued, on satisfaction for private injury, 715
Recognizances, how taken, and proceedings thereon, 713, 714, 715
Sureties, may pay penalty to county treasurer or clerk, 715
Traverse juries, when to be summoned out of course to a law term of the S. J. court, 716
Warrant, and proceedings thereon, 712, 713
Witnesses, mode of taking their testimony, 714
how held to appear at a higher court, 714
- CRIMINAL CASES, PROCEEDINGS IN COURT. Chap. 172,** 716
Arraignment and trial, proceedings, 718, 719, 720
unless for felony, court may dispense with the presence of the accused, on his request, 720
trial may be postponed, except in capital cases, 720
Capital offences, persons in confinement for, when to be discharged, if not indicted, 718
Copies, &c., right of person indicted, in capital cases, 18, 719
- CRIMINAL CASES, &c., IN COURT.**
Depositions, when they may be taken and used, 719, 720
Dilatory pleas, must be verified by oath, 719
Felony, persons indicted for, when to be discharged, unless tried, 718
Grand jury, alphabetical lists to be prepared by the clerk, 717
oath; election of foreman, 717
power to swear witnesses, 717
their duties, 717, 718
may be recalled, the same term, after being dismissed, 718
Indictments, sustained, notwithstanding certain defects in form, 720
Jury for trials, how empaneled, 720
right of challenge in capital, or other cases, 718, 720
Law questions, disposed of on exceptions, &c., 721
Recognizances, forfeited, allowance of private claims from, 720, 721
View, may be ordered by court, 720
Witnesses, may be summoned by the prosecuting officer, 719
- CRIMINAL CASES, PROCEEDINGS ON WRIT OF error,** 606
power and proceedings of justices of the peace. *Chap. 170,* 709
- CRIMINAL PROSECUTIONS, rights of the accused,** 18
fines and costs, collection, &c. *Chap. 152,* 654
- CROSS ACTIONS**, may be brought against a plaintiff, belonging to another state, 492
— service of the writ therein, may be on his attorney, 492
- CRUELTY**, cause of divorce from bed and board, 365
to animals, 690
- CULLERS** and viewers of staves and hoops, 312
- CULTURE** of silk. *See Silk, &c. Chap. 68,* 316
- CUMBERLAND COUNTY**, boundaries of, 798, 800
- CURTESY**, tenancy by. *See Dower, &c. Chap. 95,* 393
— not affected by descent, 381
tenant by, liable to action of waste, 567
- DAMAGES**, on location of ways. *See Ways. Chap. 25,* 193 to 199
in actions on bonds to be assessed by the jury, 506
on dishonored bills payable out of the state, 510
— in the state, 510
for flowing lands, &c., how recoverable, 560
recovered in replevin suits how appropriated, 572
in error, for prevailing defendant, 606
in actions of dower, 607, 608
— special action therefor, on change of possession; after demand, 608
in real actions, for rents and profits, and waste, 610, 611
judgment for, in real action, no estoppel, except in suits against the tenant in the action, 611

- DAMAGES.**
 how assessed, if defendant be defaulted, 767
- DAMAGES, TREBLE,** for waste, by tenants in common, &c., 568
 — by tenant, pending a real action against him, 569
 — by heirs or devisees, on estate of a deceased, insolvent, 569
 for trespass on grass lands, orchards, gardens, &c., 569
- DAMS AND MILLS,** upon what conditions erected on streams. *See Mills, &c. Chap. 126,* 559 to 563
 when deemed nuisances, 697
- DEACONS** of churches, corporate powers of, for certain purposes, 175
- DEAD BODIES,** punishment for disinterring, or exposing, 689
 — for taking on execution, &c., 689
 — injuring tombs, or monuments over, 689, 690
- DEAD,** persons in state prison, sentenced for life, so considered for civil purposes, 364, 430, 770
- DEATH,** of a party to a suit, to be suggested on the record, 507
 inquests to be taken only in cases of, supposed to be by violence, 724
 body to be buried by coroner, 726
- DEATHS,** record of. *See Births and deaths. Chap. 38,* 258
- DEBAUCHEES,** guardianship of, 461
- DEBT,** action of, on contracts not under seal, &c., limited to six years, 616
 — will not lie for an escape on execution, 617
 action of, on judgments of county commissioners, 521
- DEBT, recognizances for.** *See Recognizances, &c. Chap. 137,* 592 to 594
- DEBTOR,** surrendered by bail, may be discharged, if not taken in execution in fifteen days, 524
- DEBTORS' BONDS,** proceedings in actions on, 506
- DEBTORS, POOR, RELIEF OF.** *Chap. 148,* 623 to 637
Arrest on mesne process, prohibited, in cases of contract, unless debtor is about to remove from the state, with funds, &c., 624, 625
 allowed in actions not founded on contract, 625, 626
Arrest on execution, allowed, unless debtor has previously disclosed, &c., 627
 not allowed, if debt be on contract for less than ten dollars, 628
 permitted, in other cases, to compel a discovery, &c., 628
Arrested, persons, for taxes, collectors, &c., entitled to the privileges of poor debtors, 633, 634
 — forms of oath and certificate, varied, 634
 on executions, for wilful trespass, special provisions, 634
Bail, right to, not impaired by this chapter, 633
- DEBTORS, &c.**
Bond, by person arrested on mesne process, to disclose after judgment, 627
 — examination, &c., after judgment, the same as on imprisonment on execution, 631
 — if debtors' discharge be refused, creditor may elect to arrest him in thirty days, or levy on property disclosed, 631, 632
by person arrested on execution, form of, and proceedings under, 628
 — to be returned with the execution, for use of the creditor, 632
 — remedy for breach, 632
 taken by officer, valid, although casually varying from the amount prescribed, 632, 633
 — officer liable to either party, only for damages sustained, 633
 — suits thereon limited to one year, unless, &c., 633
Concealment, fraudulent, of property, and liability of persons aiding, &c., 631, 633
Corporations, mode of serving citations upon, 634
Debt, to remain, notwithstanding release from imprisonment, 632, 635
 — proceedings to collect the debt on property, 635
 — judgment to remain in force, &c., 635
Discharge, effect of, on disclosure on mesne process, 625
 form of certificate, and effect on disclosure after judgment, 630, 631, 634
 if refused, creditor to recover costs, 632
Disclosure, on arrest on mesne process, 625
 — lien on property disclosed, how preserved, 625
 in court, or before commissioners, on return of mesne process, 626
 — lien, how preserved, 626
 by agreement of parties; proceedings, 626, 627
 after judgment; application to a justice, 628
 — justice to appoint time and place, and notify the creditor, 628
 — notice, how served, 628, 629, 634
 — examination, 629
 — poor debtors' oath; form, 629
 — may be received, although the debtor disqualified as a witness, 632
 — bank bills, &c., disclosed, tendered to creditor by appraisal, 629, 630
 — creditor allowed thirty days to accept; his lien, 630, 631
 — remedy, if debtor transfer or conceal the same, 631
 manner of selecting justices to take disclosures, &c., 625, 633
 liability of debtor, if he make false disclosure, 633
Judges of municipal courts, &c., may take disclosures, &c., 635
Property available, but not attachable in its nature, how secured on disclosure before judgment, 627

- DEBTORS, &c.**
Property, &c., how applied, on disclosure after judgment, 629, 630
Support, of debtor in prison by the creditor, 634, 635
 — provision, if more than one creditor on several executions, 635
 — price of supplies, how adjusted, 635
State debtors, provision for their relief, 636
 district judge or county commissioners may discharge them upon their oath; proceedings, 636
 may take the oath, as in case of private debts, before justices, &c.; proceedings, 636, 637
- DECENCY**, offences against. *See Chastity, &c. Chap. 160.* 684
- DECLARATION**, what certainty required in real actions, 612
- DEED, CONVEYANCES BY, FORM, ACKNOWLEDGMENT, PROOF, REGISTRY, OPERATION AND CONSTRUCTION. Chap. 91. 371 to 374**
- Acknowledgment*, of deeds, before whom to be made, 373
 want of, how supplied by proof, by, or without subscribing witnesses, 373
 if grantor refuse to make, proceedings, 373
 certificate of, to be indorsed on deeds before registry, 373
- Aliens*, after naturalization, may convey lands purchased previously, 371, 372
 conveyances by, prior to Jan. 1, 1834, to be valid, if accompanied by possession, 372
Attorneys or agents, deeds by, how construed, 373
- Bond* of defeasance, not to defeat a deed, as against a purchaser without notice, unless recorded, 374
- Certificate* of acknowledgment or proof, to be indorsed on deeds before registry, 373
- Common*, tenancy in, when created, 372
- Construction* of certain grants and deeds, 372, 373
- Contingent* remainder, or other expectant estate may be conveyed by deed, 372, 763
- Counties*, conveyances to, how made, 373
- Decd.*, what interests in lands will pass by, estates in expectancy may be conveyed by, 372
 by married woman, form and effect of, 372
 by tenant in tail, effect of; upon remainders and reversions, 372
 of life estate with a vested remainder, 372
 of quitclaim, effect of, 372
 of a greater estate than the grantor has, effectual to pass his estate, 372
 by an agent or attorney, how construed, 373
 to a county, how construed, 373
 acknowledgment of, 373
 proof of, where there is no acknowledgment, 373
 not provable, if there be no subscribing witness, 373
 not to be recorded, unless acknowledged or proved, 373
- DEED, CONVEYANCES BY, &c.**
Deed, not effectual, against persons having no notice, unless recorded, 374
 not defeated, as to purchasers without notice, by a writing of defeasance not recorded, 374
 of pews, may be recorded by town clerk, 374
Estates, greater than at will, not created or granted but by writing, 374
Expectant estate, may be conveyed by deed, 372
 not defeasible by tenant of precedent estate, 372
Grant, to one for life, and to his heirs in fee after his death, construction of, 372
Joint tenancy, not created, but by express provision, 372
Life estate, with a vested remainder in tail, may be conveyed by joint deed of tenant for life and remainder man, 372
Married woman, deed of, how made, and how far effectual, 372
Pews, declared real estate; deeds of, how recorded, 374
Quitclaim deed, effect of, 372
Record, of deed not to be made, till acknowledgment or proof, 373
 of deeds of pews, by town clerk, 374
 of trusts, equivalent to notice, 374
Register, to certify on the deed, the time when received, 373, 374
 to note the same in a book, 374
Remainders and reversions may be barred, by joint deed of tenant for life and remainder man in tail, 372
Tenancy in common, how created, 372
Tenant in tail may bar remainder by his deed, 372
Trusts, concerning lands, not created but by writing, 374
 — not to defeat the title of a bona fide purchaser without notice, 374
- DEEDS**, considered as recorded, when received by the register, 78, 79
 commissioners to take acknowledgment of, in other states, 586
- DEER. See Moose and deer. Chap. 41.** 260
- DEFAULT**, to be entered, if defendant fail to appear, 497, 498, 768
- DEFINITION** of certain words and phrases, used in statutes, 45, 46
- DEPOSITIONS, AND MODES OF TAKING THEM; AND OF WITNESSES. Chap. 133.** 578 to 585
- Caption*, in actions pending; form, 581
- Cases*, in which depositions may be used, 579
- Commissions* to take depositions out of the state, 582
- Contested elections* of representatives, depositions taken, 582
- Examination*, deponent to be sworn before testifying; proceedings, 581
 — who may write the deposition, 581
- Laws* of other states and countries, how proved, 585
- Magistrates*, certain, authorized to take depositions in actions pending, 579

DEPOSITIONS, &c.

- Mortgagee*, compellable to disclose amount of the debt, when the equity, &c. is attached, 584
- Nonsuit*, in case of, &c., and a new action commenced, depositions in former suit may be used, 581, 582
- Notices*, to adverse party, and summons to deponent; form and service, 579, 580
- who deamed attorney for adverse party, 580
- required in case of depositions, taken out of the state, 581
- Objections* to witness, or to interrogatories, when to be made, 581
- Perpetual memory* of the thing; depositions, 582
- what magistrates have power to take, 582
- proceedings; depositions, &c., to be recorded in the registry of deeds, 582
- — may be used on trial, between the parties, 582, 583
- may be taken out of the state; proceedings, &c., 583
- Reasons*, for which a deposition may be taken, or used, 579, 581
- Records of courts* in other states, how authenticated, 585
- Return of deposition* to court, 581
- State*, depositions taken out of, the use discretionary with the court, 582
- Statutes*, what printed copies evidence of, 585
- Witness*, compellable to depose, but not to travel for that purpose, more than thirty miles, 580, 581, 582
- process to compel him to depose, 583
- may be committed for contempt, if he refuse, 583, 584
- may affirm, if scrupulous, &c., 584
- guilty of perjury, if he depose falsely, 584
- in criminal cases, may be summoned to another state, 584
- not incompetent for crime, &c., unless convicted in this state, 585
- not obliged to attend court, before tender of fees, 585
- penalties, if he do not attend, 585
- DEPOSITIONS, taken by notaries public, 263
- may be used in cases of libel for forfeited goods, 577
- commissioners to take in other states, 586
- of witnesses in other states, in criminal cases, may be taken by defendant's request, 719, 720
- DEPUTY SHERIFF. *See Sheriffs, &c.*, Chap. 104, 418
- DEPUTY WARDEN of state prison. *See Chap. 177*, 728, 733
- DESCENT, TITLE BY. Chap. 93, 379 to 382
- Advancement*, what gifts or grants shall be deemed, 380
- to be reckoned as part of the estate, 380
- value of, how estimated, 380, 381
- effect of, upon a child's share of the estate, 381
- Alien*, descent from, if naturalized after having purchased estate, 380

DESCENT, TITLE BY.

- Alien*, if not naturalized, but having filed a declaration of his intention to become a citizen, 380
- property purchased from, prior to Jan. 1, 1834, not liable to escheat, 380
- Curtesy*, tenancy by, not affected, 381
- Dower*, tenancy by, not affected, 381
- Escheat*, of property intestate, 379, 382
- property purchased by an alien, prior to Jan. 1, 1834, not liable to, 380
- Estate*, personal, of a married woman, descent of, 381
- shares in, of widow and children, respectively, 381
- share of widow in, if no children, 381
- if no kindred, 381
- Estates intestate*, descent of, 379, 381
- when to children, 379, 381
- when to the father, 379, 381
- when to brothers and sisters, and mother, 379, 381
- when to next of kin, 379, 381
- Heir*, debt due from, to be a lien on his share of estate, 382
- proceedings by administrator to secure such lien, 382
- Illegitimate children*, heirship of, 380
- descent of estate from, 380
- Intestate estates*, descent of, 379, 381
- Kindred*, degrees of, how computed, 379
- Widow*, share of, in personal estate, 381
- DESCENT, not to defeat a right of entry, 610
- DESERTION for five years, cause for a divorce, 364
- DETAINER, &c. *See Forcible entry, &c.* Chap. 128, 566
- DEVISE. *See Wills, &c.* Chap. 92, 375 to 378
- DEWISEES, penalty for waste on lands of insolvent devisors, 569
- may be compelled in equity to convey lands, under written contract made by devisor, 591
- may bring a writ of entry, without actual entry, 610
- when his right of entry or action deemed to have accrued, 620, 621
- DISABLED persons, saving of their rights of action, 617, 621, 622
- DISCHARGE, of poor debtors, on disclosure, &c., 625, 626, 630
- DISCLOSURES, by trustees. *See Foreign attachment.* Chap. 119, 528 to 530
- by debtors. *See Debtors poor, &c.* Chap. 148, 623
- DISCONTINUANCE, not allowed, after set off is filed, 503
- of any kind, no bar to a right of entry, 610
- of prosecutions in certain cases, on satisfaction for private injury, 715, 719
- DISCOVERY, equity powers of the S. J. court, 396
- DISFIGURING, malicious, of persons, 665
- DISGUIISING, to obstruct the laws, &c., 682
- DISINTERESTED person, the phrase limited, 46

- DISORDERS in streets and public places. *See Watch and ward. Chap. 31,* 233 to 235
- DISPUTES, reference of. *See Reference, &c. Chap. 138,* 594
- DISSEIZOR, who so considered for purposes of real actions, 610
- DISTILLING STRONG LIQUORS, OF PREVENTING ABUSES IN. *Chap. 37,* 257
- Assay masters; choice, powers and duties of, 257
- Heads, worms and pipes, not to be made of lead, or coarse or base pewter, 257
- to be proved by assay master, 257
- Penalties, and recovery thereof, 257
- DISTRIBUTION OF REAL AND PERSONAL ESTATE, AND LANDS HELD IN MORTGAGE OR TAKEN IN EXECUTION. *Chap. 108,* 449 to 453, 766
- Dower, when and how to be assigned by judge of probate, 451
- proceedings, where land lies in common with others, 451
- return of commissioners, and proceedings thereon, 451
- aggrieved party may appeal, 451
- Legacies, recoverable at common law, 452, 766
- Personal estate, judge to make an allowance to the widow in certain cases, 452
- when further allowance may be made, 452
- to minor children, if there be no widow, 452
- remaining in hands of executor, &c., how distributed, 452
- alienage in next of kin, no impediment, 452
- when a specific distribution of, may be made, 452
- debts, due to the deceased, may be divided, 452
- bond to refund, when required, 452
- Real estate, partition of, by judge, amongst heirs or devisees, 449
- may include reversions or remainders, 449
- not to be divided, if shares are disputable, 449
- commissioners; appointment and duties, 449
- proceedings, if estate lie in different counties, 450
- when equal division cannot be made, 450
- preference on assignments on account of age or sex, 450
- provisions, where third parties are interested, 450
- conveyances and liens, protected, 450
- all the estate to be embraced, if required by any party, 450
- any owner may petition; notice, 451
- how persons, under age, insane or out of the state, shall be represented, 451
- Real estate, taken in execution, or held in mortgage, deemed personal assets, 453
- may be sold, by license of court, as real estate, 453
- after payment of debts, may be distributed or sold, for benefit of those entitled to the personal estate, 453
- DISTRIBUTION, of insolvent estates, 457
- DISTRICT OF COLUMBIA, comprehended in the terms, state and United States, 45, 46
- DISTRICT COURTS. *See Courts district. Chap. 97.* 399 to 404
- DISTRICTS; western, eastern and middle, 400
- jury; counties divided into, 588
- school. *See Education. Chap. 17,* 162 to 168
- DISTRICTS REGISTRY, in Lincoln county; of what towns composed; western, 77
- eastern, 77, 78
- western in Oxford county, 78
- DIVIDENDS, fraudulent, made by banks, punishable, 763
- DIVORCE AND DISSOLUTION OF MARRIAGES. *Chap. 89,* 364 to 368
- Divorce, not necessary, to avoid certain marriages, 364
- from bonds of matrimony, causes for, 364
- questions of, to be decided by the supreme judicial court, 365
- from bed and board, causes for, 365
- in what cases not to be decreed, 365, 366, 367
- in other states, when void in this state, 368
- when valid in this state, 368
- Issue, when not barred from inheriting, by divorce, 365
- when illegitimate, on dissolution of marriage, 367
- when legitimate in such case, 367
- Libel, when and where filed, or presented to court, 365
- service or notice of, 365
- for annulling a marriage, 367
- notice of, to be given, before decree, 367
- pending, court may free the wife from restraint, 367
- Lien upon husband's lands, in certain cases of libel, 365
- Provision for wife, in case of divorce for impotency, 366
- when divorced, on her complaint, 366
- in case of divorce for her adultery, 366
- and proceedings, in case of divorce from bed and board, 366, 367
- Supreme judicial court, to have jurisdiction of all questions of divorce, 365
- proceedings in, 365
- may not decree a divorce, in cases of collusion between the parties, 365
- may decree, as to disposal of children, on divorce, 367, 368
- powers of, as to compulsory process, 368
- either party may have a trial by jury in, 368
- may grant a new trial, 368
- DIVORCE, for fault of husband, wife may claim dower of any tenant of the freehold, 608
- parties punishable, if they cohabit after, 685
- DOGS, MISCHIEVOUS. *Chap. 40,* 259
- may be killed, by person assaulted by, 259
- owners of, liable for damages done by them, 259
- penalty; if not confined by owner, 259
- may be killed; if at large after complaint, 259

- DOGS, MISCHIEVOUS,**
 treble damages, for damages done by, after notice, 259
- DOGS, taxes upon owners of, resident in Portland or Eastport,** 93
- DOWER, ESTATES IN, AND BY CURTESY, AND AT WILL. Chap. 95,** 391 to 393
- Curtesy*, tenancy by, 393
- Dower*, in what lands a woman can hold, 391
- when assignable by judge of probate, 391
- proceedings therefor, 391, 392
- special assignment of, if lands cannot be divided, 392
- how barred, 392
- right to, in an equity of redemption, 393
- Waste*, to operate a forfeiture of an estate in dower, 393
- certain acts not to be so considered, 393
- Widow*, rights of, before assignment of dower, 392
- proceedings by, to recover dower, 392
- of naturalized alien, entitled to dower, 392
- may waive a jointure, and recover dower, in certain cases, 392
- may waive provision in her husband's will, 392
- may be endowed anew, if ejected of lands assigned to her as dower, 393
- right of, to remain in her husband's house after his death, 393
- Will*, tenancy at, notice necessary to determine, 393
- not applicable to proceedings for forcible entry and detainer, 393
- DOWER, ACTION OF. Chap. 144,** 607, 608, 769
- Assignment*; judgment for, how executed, 608
- rents and profits set off, in certain cases, 608
- Damages* for detention, recoverable in the same action, 607, 608
- how recoverable, when, after the demand, the tenant of the freehold is changed, 608
- Demand*, after, when action may be brought, 607
- how made upon a corporation, 607
- Nonvenure*, to be pleaded only in abatement, 607
- Wife*, divorced for fault of husband, may claim dower of his assigns, 608
- DOWER, right to, not affected by levy of an execution on husband's real estate,** 390
- not affected by a descent, 391
- how assigned by order of judge of probate. *See Distribution, &c. Chap. 108,* 451
- guardian may assign, 463
- tenant in, liable to action of waste, 567
- expenses of assignment in probate court, by whom paid, 650
- DRAINS AND COMMON SEWERS. Chap. 24,** 190
- roads not to be dug up for, without consent of selectmen, 190
- penalty for so doing, 190
- to be substantially built and repaired, 190
- all who join in, to share the expense, 190
- apportionment and collection of expense of, 190
- proceedings for opening and repair of, 190
- private contracts relating to, not affected, 190
- DRAINS. See Contagious sickness. Chap. 21,** 184
- DRUNKARDS, guardianship of,** 461
- their punishment, 690
- common, &c., to be sent to house of correction, 740, 743
- DRUNKENNESS, habitual for three years,** 364
- cause for divorce, 364
- DUELLING, prosecution and punishment,** 664
- DULY SWORN, what implied in the phrase,** 46
- DUTIES, PAYABLE BY PUBLIC OFFICERS. Chap. 149,** 638
- to whom to be paid; to the use of the state, 638
- DWELLING HOUSE; definition of the term,** 669
- or other building; breaking or entering, &c., how punished, 669
- EASEMENT, what notice to be given, to prevent the accruing of a right by use,** 622, 623
- EDUCATION OF YOUTH. Chap. 17,** 162 to 172
- Abatement* of school district taxes, 167
- Age*, for admission of scholars to a master's or mistress's school, 165, 166, 168
- Agents*, to be chosen by towns, or by districts, if the town authorize, 162, 168
- to be sworn; term of office, 169
- to employ teachers, 169
- to notify superintending committee, when schools commence, 169
- to make annual returns of the number of scholars, 169
- of districts formed in two towns; choice, powers and duties, 163
- Apportionment*, of school money to districts, 163
- of bank tax, and income of school fund to towns, 170, 171
- Assessment*, of school district taxes, 166, 167
- compensation therefor, 167
- Assessors* may abate any such tax, 167
- Bank tax* appropriated to schools, 171, 749
- Books*, to be furnished by parents, masters and guardians, 163
- by selectmen, if parents, &c. neglect, 163, 164
- Cities*, school laws; applicable to, 172
- Clerks* of districts; choice of, oath, and duties, 166
- Collectors* of towns to collect district taxes; compensation, 167
- Colleges*, presidents of, tenure of office, 172
- fees for diplomas or degrees, payable to treasurer, 172
- Committee*, district, to expend moneys raised by the district, 166, 167
- superintending. *See Superintending school committee,* 164, 167, 168, 170
- Compensation*, to collector, assessors and treasurer, 167
- Credit*, not to be given to students, in certain cases, 172
- Districts*, how formed, altered or discontinued, 162
- how formed from parts of adjoining towns, 163
- entitled to their proportion of school money, 163
- refusing to raise necessary money, may be compelled by the town, 164

EDUCATION OF YOUTH.

- Districts*, corporate powers and liabilities of, 165
 descriptive name or title, 165
 meetings of, how called, 165, 166
 — voters in, 165
 — how notified, and evidence thereof, 166
 — moderator of, and his duties, 166
 may raise money for certain purposes, 166
 — assessment, collection and expenditure thereof, 167
 may determine where school houses shall be located, 166
 — at what age, scholars shall be admitted, 168
 may admit scholars from other districts or places, 166
 may determine when school shall commence, 166
Disturbance of schools, penalty for, 172
Forfeitures. See Penalties.
Fund, state, establishment, investment and appropriation of, 170, 171
Houses, school, how located, 164, 165, 166
Innholders and others, not to give credit to students, under forfeiture of license, 172
Instructors, qualifications of, 168, 169
 duty of, to inculcate virtuous principles, 170
Jurors, grand, to present towns, for violation of the provisions respecting education, 170
Mistress' school, proportion of money that may be expended for, 167
Moderator of district meetings, 166
Money to be raised by towns, amount and apportionment of, 163
 excess beyond the amount required by law, how distributed, 163
 how applied for benefit of persons who cannot belong to a district, 164
 proportion, that may be appropriated to a mistress' school, 167
 may be raised by districts, for certain purposes, 166
 districts may be compelled to raise, 164
 assessment and collection of, 166, 167
 expenditure of, by committee, 167
Notice of district meetings, how given, 166
Penalties, for default of towns in not raising money, 163
 for neglect of towns to elect a superintending committee, 164
 for teaching, without the requisite certificates, 169
 for giving credit to students, 172
 for disturbing schools, 172
 recovery and appropriation of, 170
Plantations, school laws applicable to, 172
Presidents of colleges, tenure of office of, 172
Remote parts of towns, privileges allowed to, 164
School houses, location of, 164, 165, 166
 masters, to be citizens of the U. S., 169
 — and mistresses, qualifications of, 168, 169
Secretary of state, to inform the state treasurer of the number of scholars, 171
 to furnish to selectmen, blank forms for school returns, 171

EDUCATION OF YOUTH.

- Selectmen*, to furnish books to children, if parents, &c., neglect; 163, 164
 may locate, build or remove school houses, if districts refuse, 164, 165
 to furnish returns to secretary of state, 171
State school fund, how formed, invested, and distributed, 170, 171
Superintendence of districts, formed in different towns, 170
Superintending school committee, choice, oath, compensation, 164
 to fill vacancies in their board, 168
 to examine teachers, 168
 to prescribe what books shall be used, 168
 to visit the schools, 168
 may dismiss unsuitable teachers, 168
 may expel disorderly scholars, 168
 to make annual return and report, 168
 may be invested with powers of school agents, 165
 of oldest town, to officiate in districts formed in two or more towns, 170
Tax, school district, how raised, assessed and collected, 166, 167
 — assessors may abate, 167
Treasurer, state, to apportion income of state school funds, 171
Voters in school district meetings, 165
 ELECTION, of governor, &c., on the second Monday of September, 20
 ELECTIONS, REGULATION OF. Chap. 6, 60
Adjournment of meeting, when no choice of representative, 64, 68
Ardent spirits, sale of prohibited near any place of meeting, 71
 liquors and other materials seized; how disposed of, 72
Aldermen, and assessors of cities to prepare lists of voters, 63
 — to meet on days of election to revise the lists, 67
 — to give certificates for the wardens, to persons entitled, 67
 — three to make a quorum, 68
Assessors, of towns, not being selectmen, to prepare lists by Aug. 1, annually, 61
 of plantations, considered as selectmen, 66
Ballots, what kind may be received, 64
 informal, if received in certain cases, to be counted, 64
 boxes, suitable, to be furnished by towns, 64
Ballotting, result of, how ascertained, 65
Bribery, menace, wilful falsehood, &c., punished, 71
Cities, considered as towns, 66
 to meet in wards; proceedings, 66, 67
 unless aldermen otherwise direct, representatives to be voted for on the same ticket with other officers, 67
Clerks, to transmit returns to secretary of state, 65
Contested election of representative; notice to person returned, with specifications, 68, 69
 — how served; depositions may be taken, 69

ELECTIONS.

County attorney to prosecute delinquent town officers, 65, 70
Electors, punished for misconduct, 71
Islands, in Portland, composing a ward; their proceedings, 67
Lists of voters, how prepared, &c., 61, 62, 63, 67
Militia officers not to parade their men on days of election, 71, 142
Officers of cities and plantations, to act as similar ones in towns, 66
Penalties. See Punishment.
 incurred by selectmen, for neglect, &c., 69
 — persons required to warn meetings, 69
 — selectmen, &c., not preparing lists, 69
 — receiving illegal votes, and not using check lists, 70
 — not forwarding certificates of record, after loss of returns of votes, 70
 — by persons, entrusted with returns, 70
 — electors for misconduct, 71
 — military officers, parading their men on election days, 71
 for bribery and improper influence at elections, 71
 not incurred by town officers, except for acts wilful, &c., 70, 71
 — certain neglects presumed to be wilful, &c., 71
 how recovered, 70, 71
Places, unincorporated, voters to give in their names in adjacent towns, 69
Plantations, organized, to proceed as towns, 66
Punishment, by imprisonment, in certain cases, 69, 70, 71
 by disqualification to hold office, for false certificates, 70
Representative districts, or classed towns, &c., 68
 — meetings of selectmen, to examine votes, 68
 — if no person elected, towns to meet again in three weeks, 68
 copies of lists, &c., to be furnished to persons elected, 68
 proceedings, if a vacancy occur, after a choice, 68
Returns of votes, made by selectmen to secretary of state, 65
 — if not received, secretary to inform the county attorney, 65
 — if lost, new certificates to be furnished; how authenticated, &c., 65, 66
Selectmen, to prepare lists of voters for state officers on or before August 11, 51
 their meetings to correct such lists, when held, 62
 to deposit them in clerk's office and post up, &c., on or before August 20, 62
 — for town officers, on or before February 20, 62, 63
 to insert names, whether electors apply or not, if known, 62
 when to meet to correct errors, 62

ELECTIONS.

Selectmen to give notice of all their sessions, 62
 in towns not classed, in case of death, &c., of representative, to call a meeting for a new choice, 66
 in towns classed, those of the oldest town to appoint a day and notify the others; 68
 liable to fine or imprisonment, for neglect, &c., 69
Selectmen pro tempore, their choice, oath and duties, 63, 64
Town meetings for choice of state officers, how called and regulated, 63 to 66
 — when to be opened, 63
 — who shall preside; powers of presiding officers, 63
 — if necessary, selectmen pro tem. to be chosen, 63
 — when votes may be on one list, 64
 — check lists and suitable ballot boxes to be used, 64
 for choice of representative, adjourned, if choice not practicable, 64, 65
 no new balloting to commence after six o'clock, p. m., 64
 for election of county treasurer, register of deeds, representatives to congress, electors of president, &c., and to determine questions submitted to the people, how regulated, 65
Votes, when may be given in, on one list. *See Ballots*, 64, 67
Wardens, and ward meetings, 67
 neglecting to preside, others to be chosen pro tem., 67
 ELECTION DAYS, electors exempt from arrest on, 495
 annual, courts not to be held on, 510
 ELECTIONS, organization of plantations for the purpose of. *See Plantations. Act of 1840. Chap. 89,* 771
 meetings for, in such plantations, how called and conducted, 771, 772
 votes and names of voters to be returned, 772
 ELECTIONS, betting or wagering on. *Act of 1841. Chap. 172,* 776, 777
Forfeiture by person betting, of a sum, equal to the wager, to the town, 776
 of goods pledged on wagers, 776
 of a sum equal to the value of real estate conveyed on account of a wager, 776, 777
Losers may recover back the sum lost, 776
Mayors of cities and treasurers of towns, required to sue for forfeitures, 776
 ELECTORS, of governor, &c., qualifications, 20
 — exemption from arrests and military duty, on days of election, 20, 495
 penalty for their misconduct, 71
 EMBEZZLEMENT, of estates of deceased persons, 440
 of property belonging to wards, 462
 by officers of corporations, clerks, agents, servants, common carriers, &c.; punishment, 671

- EMBEZZLEMENT**, by officers, &c., of banks, punished, 763
- ENDORSEMENT**, endorser, endorsee. *See Indorsement, &c.*
- ENDOWMENT**, not to be made by the state, of literary institutions not subject to its control, 31, 32
- ENGINEMEN**, terms of exemption from military duty, 122, 123, 248
- ENGINES, ENGINEMEN, AND FIRES.** Chap. 33, 248 to 250
- Enginemen*, appointment of, by selectmen, 248
to continue in office during their pleasure, 248
exempt from ordinary military duty, 248
annual and other meetings, and officers, 248
may establish bylaws, 249
duties of, as to meetings and fires, 249
may be discharged, if negligent, 249
selection from, for other duties at fires, 249
exempt from serving as jurors, 250
- Engineers*, and fire wards under special laws, powers of, 248, 249
- Fire department* under special laws, not affected by these provisions, 250
- Fire wards*, choice and duties, 248, 249
selectmen, or other town officers may perform duties of, in their absence, 249
powers of, at fires, 249
may demolish buildings, if necessary, 249
— compensation to owners of demolished buildings, if fire be stopped thereby, 250
— if owner be dissatisfied, he may apply to the county commissioners, 250
— no compensation to owner of the building where the fire originated, if demolished, 250
- Jurors*, enginemen exempt from serving as, 250
- Livery stables*, in maritime towns, to be kept in places assigned, 250
- Military duty*, enginemen exempt from, 248
- Penalty*, for disobeying orders of firewards, 250
if sailmakers or riggers occupy in prohibited parts of a town, 250
if livery stables are kept in prohibited parts of a town, 250
- Punishment* for plundering at fires, 250
- Riggers* to have their shops in places assigned by the selectmen, 250
- Sail makers* to have their shops in places assigned by the selectmen, 250
- Selectmen* to appoint enginemen, 248
to perform duties of firewards in their absence, 249
- ENGRAVING**, included in the word, writing, 46
- ENTRY**, writ of. *See Real actions.* Chap. 145, 608
mesne profits, and damages for waste, recoverable in the same action, 610, 611
actual, not necessary in order to try the right, 610
right of, limited. Chap. 147, 620
when deemed to have accrued, in regard to the limitation, 620, 621
- EQUITY**, powers of the S. J. court, general, 395, 396
proceedings in, for performance of a written contract, by person deceased, to convey land, 591
— in nuisances, 699
proceedings in, for redemption of mortgaged real estate, 556, 557
— against the state, for redemption of mortgaged real estate, 557
- EQUITY OF REDEMPTION**, right of a widow to dower in, 393
may be sold on execution, 388, 389
proceeds of sale of, how appropriated, 519
right of redemption of, within one year, 389
attachment of, and registry, 485
being attached, duty of mortgagee to disclose the amount of debt, 584
- ERROR AND CERTIORARI, WRITS OF.** Chap. 143, 605 to 607
- ERROR.** *Bond* to the defendant, to be approved by the S. J. court, or the clerk, 605
its effect, when filed in the clerk's office, 606
Costs, awarded to the prevailing party, 606
Criminal cases, effect of writs of error, 606
provisions for the custody of the plaintiff in error, on his giving bail, 606
Writ, may issue, either in term time, or vacation of the S. J. court, 605
execution not stayed, &c. unless on bond given to the defendant, &c., 605
proceedings and limitation, 606
- CERTIORARI, writ of**, to correct errors, in proceedings not according to course of common law, 606, 607
Costs, awarded at discretion of the court, 607
application for, limited to six years, 607
Error, when judgment reversed for, right of action not barred by limitation within six months, 617, 618, 622
- ESCAPES**, through defect of jail; sheriff responsible to party interested, 425
— remedy of sheriff against the county. *See Sheriff, &c.*, 425
on execution, action on the case must be brought, and within one year, 617
in criminal cases, suffered by officers, punishment, 680, 681
- ESCHEAT**, of intestate estates, 379, 382
property purchased by aliens, prior to Jan. 1, 1834, not subject to, 380
informations for recovery of, 564, 565
- ESTATES**, limited, may be conveyed in fee simple, in certain cases, 372
expectant, not defeasible by tenant of precedent estate, 372
greater than at will, not created or granted but by writing, 374
intestate, descent of. *See Descent, &c.* Chap. 93, 379, 381
personal, intestate, how distributed, 381
real, how set off on execution. *See Execution, &c.* Chap. 94, 383 to 387
— attachment of, and registry, 485

- ESTATES**, real and personal, how distributed.
See Distribution, &c. Chap. 108, 449 to 453
 insolvent. *See Insolvent estates: Chap.*
 109, 453 to 459
- ESTIMATES** for county taxes. *See County commissioners,* 409
- EVIDENCE**, required in suits upon probate
 bonds, 476, 477
 report of, on motion to set aside a verdict,
 509, 767
 in actions, of review, 552
 printed copies of statute laws, 585
 foreign laws, unwritten, proved by parol, 585
 what required in a real action, 610
 what competent, to prove falsity of bank
 notes of, in criminal proceedings, 674
 — to prove falsity of pretended public securities,
 674, 675
- EXAMINATION** of complainant, in bastardy
 process, 574
 of deponents, 581
 of poor debtors; proceedings, &c., 625, 626, 629
 — mode of selecting the justices, 625, 633
 — liability of debtor, for false disclosures, 633
 of accused in criminal case, by justices,
 710, 713, 714, 715
 — party may be recognized or committed
 for further examination, 713, 714
- EXCEPTIONS**, in the S. J. court, proceedings, 397
 in the district court, cause transferred to the
 S. J. court, 402
 in criminal cases, proceedings, 721
- EXECUTION**, TITLE TO REAL ESTATE TAKEN
 BY. Chap. 94, 383 to 391
Appraisal, of real estate levied upon, 383
 of lands held in common, 384
 of lands which cannot be set off by metes
 and bounds, 384
 of mills and privileges, 384
 of a life estate, 384
 of part of a reversion, 385
 of land under a mortgage, 387
Appraisers, how chosen; to be sworn, 383
 how to make their appraisal, 383, 384
 how to make their return, and describe the
 estate, 384
 how to make an appraisal of several parcels, 384
 majority to decide, after a view by all, 384
Banks, lands and mortgages of, may be sold on
 execution, 388, 752
 — debts secured by such mortgages, to
 pass by the sale, 388, 752
 — right of redemption within one year, 764
Burying grounds, not liable to be set off on
 execution, 383
Creditor, may not waive a levy after delivery
 of possession, 385
 may waive a levy, before recorded, for error,
 or defect in proceedings, or for want of
 title in the debtor, 386
 may revive his judgment by scire facias, if
 title to the land fail, after levy is recorded, 386
Dower, right of, not affected by a levy, 390
- EXECUTION**, &c.
Equity of redemption, seizure and sale of on
 execution, 388, 389
 seizure of, when considered as made, 389
 redemption of, 389, 390
 right of redeeming; may be sold, 390
Estate, real, interests in, liable to be set off
 on execution, 383
 of banks and manufacturing corporations,
 may be sold at auction, 388
 — right of redemption thereof, in one
 year, 764
 of a debtor, may be sold at auction, on an
 execution; in favor of the state, 390, 391
Heirs, rights of, in relation to levies on real
 estate, 390
 redemption by, and effect, 390
Interests in real estate liable to be levied
 upon, 383
Levy of executions, upon real estate, and ap-
 praisal, 383
 when to be considered as commenced, 383
 what interests in real estate will pass by, 384
 on property in common, how made, 384
 on land which cannot be set off by metes
 and bounds, 384
 on mills and other real estate which cannot
 be divided, 384
 on a life estate, 384, 385
 on land under a lease; lessee to pay rent to
 the creditor, 385
 on part of a reversion; proceedings in such
 case, 385
 return to be recorded, 385
 not to be waived, after delivery of possession,
 385
 may be waived, before recorded, for defect
 of title, or in proceedings, 386
 return of, form and requisites, 386
 on land under mortgage, 387
 charges of, to be added to the execution, 390
 upon estates of deceased persons, 390
 of executions in favor of the state, and sale
 thereon, 390, 391
Manufacturing corporations, lands and mort-
 gages of, may be sold on execution, 388
 — right of redemption in one year, 764
Mortgage, lands subject to, may be levied upon,
 and set off by appraisal, 387
 — appraisal, how made, 387
 — remedy, if mortgage be larger than was
 estimated, 387
 — if debtor pay the amount secured by
 the mortgage, 388
 to banks and manufacturing corporations,
 may be sold on execution, 388, 752
 — debts secured thereby to pass by the
 sale, 388, 752
 — proceedings by purchaser to recover
 such debts, 388
 — transfer of such debt or mortgage in-
 valid, after notice of attachment filed in
 the registry of deeds, 388

EXECUTION, &c.,

<i>Mortgage</i> , equity of redemption of, may be sold on execution,	388, 389
<i>Officer</i> , proceedings by, in levying on real estate,	383
to cause it to be appraised,	383
to notify debtor to choose an appraiser,	383
to deliver seizin and possession,	385
to make return of execution to the clerk and register of deeds,	385
form of return of levy,	386
<i>Possession</i> , delivery of, to the creditor,	385
— when levy is on a right of entry,	385
— in trust, if the debt has been assigned by the nominal creditor,	385
<i>Possessory rights</i> , in real estate, may be sold on execution,	388
right of redemption in one year,	764
<i>Real estate</i> , interests in, liable to be levied on sale of possessory interests in,	383
<i>Redemption</i> , of lands set off on execution,	386
— sum due, how ascertained,	386, 387
— tender, and remedy, if creditor will not release,	387
— claims may be adjusted by chancery process,	387
— costs, how awarded in such case,	387
where levy was on rents and profits,	387
where levy was on land subject to mortgage,	388
sale of equities of, on execution,	388, 389
of interests, in real estate sold on execution,	389, 764
— remedy to compel a release, if purchaser refuse,	390
— such right of redeeming may be sold on execution,	390, 764
by heirs, of estate of a deceased person, effect,	390
<i>Rents and profits</i> , may be levied upon, in certain cases,	384
— tenant to attorn,	384
<i>Return of levy</i> , to be made on the execution, to be recorded in registry of deeds,	385
form and requisites of,	386
<i>Sale</i> , of equities of redemption and possessory interests in real estate,	388
notice of, how given,	388, 389
may be adjourned, for good cause,	389
proceedings at, deed, and effect thereof,	389
— consequence, if bidder do not complete the purchase, if struck off to him,	389
of lands and mortgages of banks and manufacturing corporations,	388
of the right of redeeming interests in real estate sold or set off on execution,	390, 764
of lands, on an execution in favor of the state,	390, 391
of right, by bond or contract, to a conveyance of real estate,	764
<i>Scire facias</i> on a judgment, on failure of title of land set off on execution,	386
<i>Seizin</i> and possession, when and how to be delivered by the officer,	385

EXECUTION, &c.

<i>Seizin</i> and possession, how delivered, when levy is on a right of entry,	385
acceptance of, to be binding on a creditor,	385
EXECUTION, LEVY OF, UPON PERSONAL PROPERTY. Chap. 117,	516 to 523
<i>Action</i> of debt, on warrant of county commissioners,	521
<i>Attorney</i> , lien of, not affected by setting off executions,	521
<i>Coroner</i> or constable may make second attachment of property held by a sheriff,	520
<i>Corporation</i> , seizure and sale of shares in,	517, 518, 520, 768
clerk of, bound to disclose the interests of a proprietor, to the officer,	518
— penalty for refusal,	518
purchaser entitled to a certificate of shares,	518
— also to dividends after the attachment,	518
sale of franchise of,	518, 519, 520
entitled to receive toll, how payment of damages by, is enforced,	520
<i>Equities</i> of redemption, application of proceeds of sale of,	519
<i>Franchise of a corporation</i> , sale of,	518, 520
possession, how delivered,	519
rights and liabilities of purchaser,	519
right of redemption,	519
<i>Lien</i> , by seizure on execution of property under a prior attachment, to continue thirty days after prior attachment is dissolved,	520
<i>Money</i> may be taken on execution,	516
<i>Mortgaged personal property</i> , may be attached, after tender of the amount due,	521
proceeds of sale of, how applied,	521
may be sold, subject to the mortgage,	521
<i>Notice</i> of sale of personal property, of adjournment of sale,	517
of re-sale, if bidder do not complete his purchase,	517
of sale of shares in a corporation,	518
of sale of franchise of a corporation,	518
of second attachment, to be given to the first attaching officer,	519
of sale of real estate on execution, or warrant against a town, &c.,	521
<i>Officer</i> , when to set off executions,	516, 520, 521
may require indemnity, as to ownership,	517
in his return, to specify the goods sold,	517
— penalty for neglect,	517
<i>Personal property mortgaged</i> , sale of, and disposal of proceeds,	521
<i>Purchaser</i> of shares in an incorporated company, entitled to certificates, and to dividends after the attachment,	518
of a right, by contract, to a deed of real estate, may enforce performance, by bill in equity,	522
— proceedings, if obligor plead a previous assignment,	523
<i>Return</i> of officer to specify goods sold on execution,	517

EXECUTION, &c.

- Sale* on execution, goods and chattels liable to, 516
 time of, 516
 mode of advertising, 517
 may be adjourned, 517
 of goods a second time, if purchaser refuse to receive them, 517
 proceeds of, how appropriated, 517
 of a building, or rents and profits thereof, for ground rent, 517
 — right of redemption in such case, 517
 of shares of a proprietor in an incorporated company, 517, 520
 of franchise of a corporation, 518, 520
 — mode of, 519
 proceeds of, how applied on several executions, 519
 of equities of redemption; appropriation of proceeds, 519
 of real estate, on executions or warrants against towns, 521
Seizure of property to be valid, though further service be suspended by a prior attachment, 520
Set off of executions, when permitted, 516
 — when not permitted, 520
 not allowed, to prejudice of attorney's lien, 521
Shares in an incorporated company, how sold, 517
Sheriffs may make second attachment of property, in hands of a coroner or constable, 520
Towns, executions and warrants against, how served, 521
 indemnity by; to the person, whose property is taken, 522
 inhabitant or proprietor may be free from liability, by paying his proportion, 522
Warrants, for damages against corporations authorized to take toll, how enforced, 520
- EXECUTIONS**, how levied on private property of stockholders in corporations, when liable for corporate debts, 328
 against manufacturing corporations, may be levied on debts due to them, 333
 against sheriffs, while in office, to run against their property only, 423
 lands taken in; how distributed in settlement of estates. *See Distribution, &c. Chap. 108,* 449 to 453
 lands held under by executors, &c. may be sold by license of court, 468, 474
 on judgments on probate bonds, for whose use to issue, &c., 477, 478
 to stay one year, if defendant be defaulted, not having notice of the suit, 498, 768
 issuing, return and renewal of, 509, 768
 interest on, to be collected by the officer, 509
 how issued, if an executor or administrator be adjudged trustee, 532
 against an executor or administrator to run against estate of the deceased, 539
 may be stayed on application for a review, on bond being filed, 550

EXECUTIONS.

- on recognizances for debt, issued by clerks of the district courts; proceedings, 593
 persons committed on, not, as of right, entitled to writ of habeas corpus, 597
 — how to proceed by audita querela, 603
 in real actions, conditionally stayed, after verdict ascertaining value of improvements, 613
 — may be issued after one year, unless, &c., 614
 — in such case, extended on the land, either by sale or appraisal, 613
 for debt, when to run against the body, 627
 — proceedings, after liberation of the debtor, 635
 bank shares, liable to be levied upon, 752
 lands and mortgages liable to be sold; when against banks, 752
- EXECUTION**, of sentence, in criminal cases, 705, 706
 on sentence of death; mode, &c., 706
 — who are to be present, 706
- EXECUTIVE** power, how vested, 27
- EXECUTOR**, having given bonds, as residuary legatee, how to proceed, if estate be insolvent, 459
- EXECUTORS**, in their own wrong. *Chap. 107,* 446
 widows, &c. not so deemed, when there are not goods sufficient for administration, 434
 and others, licensed to sell real estate, may act as auctioneers, 268
- EXECUTORS AND ADMINISTRATORS**, ACTIONS BY OR AGAINST. *Chap. 120,* 539 to 545
- Actions* which survive, and proceedings thereon, 541
Administrator. See Executors, &c.
Administrator de bonis non, to prosecute and defend suits commenced by or against his predecessor, 540
 writ of error or scire facias, may be brought by or against, 540
 to give notice of his appointment, 543
Costs, when to be a personal charge upon the executor or administrator, 539, 541
 if paid, to be a charge against the estate, 540
Error, writ of, may be brought by or against administrator de bonis non, 540
Execution, to run against estate of deceased, 539
 for costs, to run against the body of the executor or administrator, in certain cases, 539
 for damages and costs, how awarded, 539
 if returned unsatisfied, scire facias to issue, 540
Executors and administrators, may prosecute or defend actions brought by or against the deceased, 540
 — suggestion of death on the records, 540
 citation to issue, if he do not appear voluntarily, 541
 to be nonsuited or defaulted, if he do not appear, 541
 not personally liable for costs in such case, 541

- EXECUTORS AND ADMINISTRATORS.**
 measure of damages in action of trespass
 against, 541
 goods taken from by replevin, not assets, 541
 need not defend a suit, till one year from his
 appointment, 541
 limitation of suits against, to four years, 542
 liable afterwards, if assets come into his
 hands, 542
 liable for unfaithful administration, 542
Heirs and legatees liable for demands not ac-
 cruing within four years, 542
Legacies, actions for, not affected, 542
 Limitation of actions to four years after letters
 of administration granted, 542
 exception, if assets afterwards come into his
 hands, 542
 — claims not payable within four years,
 how preserved, 542
 extended, if administrator die before com-
 pleting his administration, 542, 543
 further extended, if former administrator
 gave no notice of his appointment, 543
 new administrator not benefitted by, unless
 he give notice, 543
Scire facias, against executor or administrator,
 if execution be returned unsatisfied, 540
 for or against administrator de bonis non, on
 judgment for or against his predecessor, 540
Survivor of several plaintiffs or defendants to
 prosecute or defend, 541
 administrator of the last, to prosecute or de-
 fend, if all be dead, 541
Survivorship of actions, and proceedings, 541, 768
Writs, to run against estate of deceased, 539
- EXECUTORS AND ADMINISTRATORS, to**
 pay taxes on lands of deceased, before dis-
 tribution, 93
 of collectors of taxes; duties and liabilities, 102
 general powers, &c. See Chap. 106, 435
 not to be guardians of minors interested in
 their trusts, 460
 of deceased trustees, not obliged to assume
 the trust as such, 466
 sales of real estate by license. Chap. 112,
 467, 468
 of persons deceased out of the state, may
 be licensed to sell lands in the state, 471
 may be authorized to convey lands, in pursu-
 ance of contracts by deceased, 473
 to be cited in suits to which the deceased
 was a party, 507
 liability of, in trustee process, for a debt,
 or legacy, 531, 532
 — proceedings, in case a person summon-
 ed, die before disclosure, or before de-
 mand, 531, 532
 powers of, in relation to mortgages of real
 estate, 555
 action against, for waste committed by de-
 ceased, 568
 to recover treble damages for trespass by
 heirs, &c., on lands of deceased insolvent, 569
- EXECUTORS AND ADMINISTRATORS.**
 to account for like trespasses committed by
 themselves, 569
 not held, under parol promise, to answer
 damages out of their own estate, 590, 591
 may be compelled to convey real estate, by
 virtue of contracts made in writing, by de-
 ceased, 591
 may, on their own application, be authorized
 to make such conveyance, 592
 of conusecs, entitled to execution on recog-
 nizances, without an action, 593
 of conusors, liable to an action of debt on
 scire facias, 593
 actions against, limited to four years, 542, 620
 their fees and commissions, 649
- EXEMPTION, from serving as jurors,**
 250, 587, 588, 589
- EXHIBITIONS, public.** See *Shows*. Chap. 39,
 258, 259
- EXPORTATION, of flax seed.** See *Flax seed*,
 &c. Chap. 57, 298, 299
- EX POST FACTO laws, not to be passed,** 19
- EXTORTION of illegal fees; punishment,** 680
- FACTORS.** See *Principal, factors, &c.* Chap.
 43, 261, 262
- FALSEHOOD, wilful, to influence electors,** 71
- FALSE TOKENS and pretences, cheating by,**
 691, 692
- FAST DAY, annual, arrests not to be made on,** 495
 courts not to be held on, 510
- FEEES AND COSTS, IN CERTAIN CASES, REG-
 ULATION OF.** Chap. 151, 641 to 654
- Appraisers*, on estates, fees, 649
Attorneys and parties, costs taxed in civil ac-
 tions, 648
Attorneys at law, and others, restricted as to
 costs on justice writs, &c., 653
Clerks, fees in the district courts, 643
 — supreme judicial court, 644
 — county commissioners, 644
Commissioners, appointed by judge of probate,
 fees, 649, 650
Constables, fees, 647
Coroners, fees, 647
County commissioners, fees, 648
Criminal prosecutions, costs taxable for the
 state, 649
Dower, expenses of assignment in probate
 court, how defrayed, 650
Executors and administrators, fees and com-
 missions, 649
Fees and costs, not stated, to be regulated by
 those expressed in similar cases, 653
 tables of, to be exposed to view in public
 offices, 653
 account of items charged, may be required
 of officers under penalty, 653
Guardians, fees and commissions, 649
Inquests on dead bodies, costs regulated, 647
Inspectors and their deputies, weighers, meas-
 urers and surveyors, 651

- FEEES AND COSTS, &c.**
- Inspectors*, commissioned, may require accounts, under oath, of their deputies, 653
- Jailers*, fees, 647, 648
- Judge*, of municipal or police court, fees, 643
to account for fees, if he receive a salary from the county treasury, 643
- Jurors*, fees, 647, 648
- Jury trials*, duty payable to clerk, by plaintiff or appellant, 648
- Justices of the peace*, fees, 642
- Marriages*, fees for solemnization, 650
- Original papers*, required to be carried up, on appeals, 653
- Page*, in copies, to contain 224 words, 653
- Parties and attorneys*, costs how taxed, 648
- Partition* in probate court, expenses how paid, 650
- Probate fees*, regulated, 649
- Register of deeds*, fees, 650
- Seal of office*, affixing, 653
- Secretary of state*, fees, 650
- Sheriffs and their deputies*; fees, 644
- State*, costs taxable for, in criminal prosecutions, 649
- Town clerks*, fees, 650
- Trustees*, testamentary; fees and commissions, 649
- Witnesses*, fees, in courts, before referees, &c., 648
- FEEES**, of notaries public, 264
- FELONY**, persons imprisoned for, not as of right entitled to a writ of habeas corpus, 597
defined, 703
- FELONIOUS ASSAULTS**, punishment, 666, 667
- FEME COVERT**. See *Married woman*.
- FEME SOLE**, executrix, &c., authority to cease on her marriage, 441
guardian; authority to cease, &c., 463
- FENCE VIEWERS**, two or more to be chosen, 57
penalty for neglect of duty by, 227
duties of. See *Fences and common fields*.
Chap. 29, 221 to 227
- FENCES AND COMMON FIELDS**. *Chap. 29*, 221 to 227
- Common fields*, may be inclosed by a general fence, 223, 224
meetings of proprietors of, how called and notified, 224
— manner of voting in, 224
— raising assessment and collection of moneys, 224
officers, choice of, and duties, 224
apportionment of fence and expenses according to interest, 225
proprietors not liable, who do not occupy their lots, 225
repair of shares of delinquent proprietors, 225
delinquents liable for double the expense, 225
proceedings, if any part be suddenly destroyed, 225
field drivers of, and their powers, 225
proprietors not to put in stock contrary to regulations, 225
— remedy of, for injury by beasts of a stranger, 226
- FENCES AND COMMON FIELDS**.
- Common fields*, lines between proprietors to be run once in two years, 226
discontinuance of association, 226
waste portions of, exempt from taxation, 226
proceedings, if part of proprietors apply to be set off, 226, 227
proceedings for organizing proprietors of, 227
- Fences*, what are legal, 221
- Fence viewers*, penalty for neglect of duty by, 227
fees of, 227
- Partition fences*, how to be maintained, 221
fence viewers to decide as to repairs, 221
remedy for repairs, 221, 222
proceedings for division of, 222
to be kept in repair unless otherwise agreed, 222
assignment of shares before building, 222, 223
not to be removed, by owner ceasing to improve, if the other will purchase, 223
owner beginning to improve, to pay his share, 223
how divided, if on town line, 223
division of, how far binding, 223
owners of lands adjacent to house lots required to make, 223
- FENCES**, removal of, from highways, commons, public landings, &c., 208, 209
- FERRIES**. *Chap. 27*, 214 to 217
- County commissioners*, may grant licenses for ferries, and regulate tolls, 214, 215
may require towns to provide ferrymen, 215
- Ferries* not to be kept, without license, 214
horse or steam, prohibited, unless authorized, 216
— proprietors of, may use other boats, 216
not to be obstructed; unnecessarily, 216, 217
- Ferryman*, duties and liabilities of, 215
to level ice at ferry ways, in winter, 215, 216
bond of, 216
- Penalties*, for neglect of ferryman to keep a good boat, 215
for town neglecting to provide a ferryman when required, 215
for keeping a ferry, without license, 215
for neglect of ferryman to level ice in winter, 216
for obstructing a ferry, 216
how recovered, 217
- Piers* may be sunk at ferry ways, if necessary, 217
- FIELDS**, common. See *Fences and common fields*. *Chap. 29*, 223 to 227
field drivers of, choice, powers and duties, 225
- FINDER** of lost goods, how to proceed, 577
- FINES**, and penalties, limitation of prosecutions for, 618
and costs in criminal prosecutions, collection and disposal of, 654
and forfeitures, not otherwise appropriated, to accrue to the state, 704
— may be recovered by indictment, unless otherwise provided, 704
- FIRE**, prevention of. See *Gunpowder, &c.*
Chap. 34, 251

- FIRE INSURANCE COMPANIES, MUTUAL.** *See* Insurance. Chap. 79, 336, 337
foreign, duties of agents of, 337
- FIRE ARMS, PROOF OF.** Chap. 62, 307
Provers, of new or untried fire arms; appointment, 307
duty, to prove, mark and number all barrels of fire arms offered, 307
form of their certificate, 307
Penalties; how recovered and to whose use, 307
- FIRES.** *See* Engines, &c. Chap. 33, 248 to 250
- FIRES, larceny at; punishment,** 250, 671
- FIREWOOD; BARK AND COAL.** Chap. 60, 302 to 304, 750
Charcoal, how sold and measured, 303
unlawful baskets, liable to be seized, 303
Fees of measurer, paid by purchaser, 303
Penalties, for carrying wood from wharf, &c., before measured, 303
fraudulent stowage of wood, 303
measuring charcoal in illegal baskets, 303
when measurer of wood, &c. refuses to certify, 304
how recoverable and to whose use, 304
Wood and bark, dimensions of a cord; stowage, 302, 750
to be measured before sale, unless otherwise specially agreed, 302
what must be stated in the ticket, 302
when brought by water, how corded and measured, 303
ticket thereof, to be exhibited, 303
exception, if person is transporting his own wood, 303
- FIREWARDS.** *See* Engines, &c. Chap. 33, 249, 250
- FIREWORKS**, not to be sold, nor used, without consent of selectmen, &c., 695
- FISH, INSPECTION OF.** Chap. 54, 288 to 293
Casks and boxes, to contain but one kind of fish, 290
materials, dimensions and capacity of casks for pickled fish, 290, 291
— of boxes for smoked alewives, &c. 291
— boxes for small fish, &c., how filled and branded, 291
Herrings, smoked; qualities No. 1 and 2, how branded, 290
magdalen, how branded, 290
scaled, how packed and branded, 291
and alewives; when merchantable, 291
Inspectors, to be appointed in towns, where necessary, 289
tenure of office; oath, 289, 293
to give bonds to selectmen, 289
their bonds to be annually examined; proceedings, if insufficient, 289
to be removed, if bonds not made good, &c. 289
remedy of bonds, to parties aggrieved, 289
may inspect in another town, if no inspector resides there, 289
certificates for collector on exportation, 291, 292
- FISH, INSPECTION OF.**
Inspectors, on seizure of prohibited fish, to inspect them; lien for fees, 292
annual returns to secretary of state, 293
owner to advance fees; purchaser to repay, 293
Oath, form of, to be taken by master or owner, on shipping, 292
Owner, to provide a brand, for his own name, 290
Penalties, for selling or exporting fish, unsuspected; exception, 291
for putting or receiving such on board a vessel, 292
for not aiding officer, if required, in service of warrant, 292
fraudulently shifting, intermixing, branding, &c., 292
for inspector's neglect to make returns, 293
how recovered and appropriated, 293
Pickled fish, when merchantable; how packed, salted and branded, 290
Seizure, by warrant, of prohibited fish on board of vessels, 292
- FISHERIES.** Chap. 61, 304 to 306
County commissioners, proceedings in relation to fishways, 305, 306
— in Hancock and Penobscot, to act jointly, 306
— appeal to the S. J. court, 306
Fishermen, right to take shell fish for bait, 305
Fishways, duty of C. commissioners, 305
application for opening, 305
to be built at expense of owner of dam, &c., 305, 306
how expense recovered; lien, &c., 306
limits to be defined in writing, 306
Indians, native, right to take shell fish, 305
Laws, local and special, not affected by this chapter, 305
Lobsters, persons from without the state, not to take without a permit, 305
Nets, weirs, seines or other machines, not to be used by persons, from without the state, 304
not to be placed across any stream, &c., 304
forfeited, if used contrary to law, 304
Penalties, for persons, not living in the state, setting nets, &c., 304
destroying or obstructing the growth of oysters, or other shell fish, 304
taking lobsters, without a permit, by persons from out of the state, 305
taking fish within the limits of passage ways, 306
not stripping weirs, by the 15th July, 306
how recoverable, and to whose use, 306
Selectmen may grant permits to take shell fish, 305
Shell fish, taking of, regulated, 304, 305
vessels with such unlawfully on board, liable to seizure, 305
Supreme judicial court, appellate jurisdiction, as to fishways, 306
Weirs, to be stripped by July 15, 306
- FISHERMEN**, limited right to take shell fish for bait, 305

- FIXTURES**, malicious injury to, 695
- FLAX SEED**, EXPORTATION OF. Chap. 57, 298, 299
- Flax seed, not to be exported, till inspected, 298
- capacity of casks, &c.; 298
- when shipped, surveyor's certificate to be produced, 298
- forfeited, if unlawfully shipped, 298
- Inspection and marking, mode of, 298
- Penalty, for lading or receiving on board a vessel, &c., flax seed, not inspected, 298
- for shifting contents of casks, fraudulently, 299
- misconduct of surveyors, &c., 299
- how recovered, and to whose use, 299
- Surveyors and inspectors in seaport towns; appointment, oath, duties, 298
- FLOWING LANDS.** See *Mills and mill dams*, &c. Chap. 126, 559 to 563
- FOLLOWING SECTION**, means the next following, 45
- FORCIBLE ENTRY AND DETAINER.** Chap. 128, 566, 567
- Complaint, before a justice of the quorum; warrant and service thereon, 566
- Detention, unlawful, when process will lie for, 567
- Judgment, in what cases may be rendered by the justice, 566
- either party may appeal, 567
- Municipal and police courts, exclusive jurisdiction of cases arising in their own town, 567
- Title, pleaded by defendant, both parties to recognize to appear at the district court, 566
- FORECLOSURE** of mortgages. See *Mortgages*, &c. Chap. 125, 553, 554
- FOREIGN ATTACHMENT, OR TRUSTEE PROCESS.** Chap. 119, 527 to 538
- Administrator, liability of. See *Executor*, 531, 532
- Assignment of demand by principal, when disclosed by trustee; proceedings, 530
- Assignee, to be notified, and may become a party, 530, 531
- principal defendant may be a witness, 531
- testimony to be in writing, 531
- Attachment dissolved, if not demanded in thirty days after judgment, 537
- Corporations liable to trustee process, 528
- Costs, for trustee, if he appear at the first term, 528, 538
- may be retained by him, if adjudged trustee, 529, 538
- trustee liable for, if he do not appear at first term, 529
- County, in which action shall be commenced, 527
- Defendant in a suit, if summoned as trustee of plaintiff, proceedings, 528
- costs in such case, 528
- Demand, on trustee in thirty days after judgment, 537
- how made, if he be out of the state, 537
- to be made on administrator, in thirty days after his appointment, if trustee die within thirty days after judgment, 532
- Discharge, of trustee, no bar to proceeding against principal, if duly summoned, 529
- FOREIGN ATTACHMENT, &c.**
- Discharge of trustee, in a justice action, no bar to proceeding against principal; though living in another county, 536
- no bar to demand of principal against him, 536
- Disclosure, where to be taken, 528, 530
- to be sworn to, and how, 529, 530
- to be taken as true, 530
- Execution, how issued, if executor, &c., be adjudged trustee, 532
- from a justice, if defendant or trustee remove from the county; 538
- Executor or administrator, liable to trustee process on a debt or legacy due from the estate, 531
- goods and credits bound by trustee judgment, recovered against deceased in his life time, 531
- to be cited, if person summoned, die before disclosure, 531
- proceedings, if he do not appear, 531
- liable on scire facias, if he do not pay, 532
- liable on administration bond; in such case, 532
- execution how issued against, if adjudged trustee, 532
- Judgment against principal and trustee, form of, 531, 536
- against trustee, on scire facias, if he have, or have not disclosed, 536
- to discharge trustee from all claim of principal, as to sums paid in pursuance thereof, 537
- Justice courts, form of trustee process in, 537
- in what county to be brought, 538
- proceedings in, 538
- execution how to issue from, if defendant or trustee remove from the county, 538
- Mortgage of personal property disclosed; proceedings, 533
- to be given up, on tender of amount of lien, 533, 534
- to be sold by the officer; appropriation of proceeds, 534
- may be sold by trustee, if otherwise authorized, 534
- Notice to be given to defendant, if out of the state, 527
- Penalty, if trustee disclose falsely, 537
- Proof admissible of facts not stated nor denied in a disclosure, 530
- Scire facias, against trustee, when to be sued out, 532, 536
- judgment on, how to be rendered, 536
- trustee may be examined on, 536
- to issue against executor, &c., if he do not pay, 532
- against mortgagee of personal property, if not delivered up, on tender, 533
- Service of trustee writ, mode and effect of, 527
- Specific articles disclosed by trustee, sale of, by the officer, 532
- value, how determined, between principal and trustee, 532
- residue to be delivered to principal, 533

FOREIGN ATTACHMENT, &c.

Specific articles disclosed by trustee, surplus proceeds of sale to be restored by officer, 533
Testimony respecting assignments, &c., to be in writing, 531
Trustees, additional names of, may be inserted before service on principal, 527
 may appear for principal, if out of the state, about to leave the state, may disclose before a justice, 528
 may so disclose in any case, by consent, 528
 may be held, though belonging to another state, 528
 entitled to costs, if he appear at the first term, 528, 538
 may retain his costs, if adjudged trustee, 529, 538
 entitled to additional costs, if living in another county, 529
 not appearing at the first term, liable for subsequent costs, if discharged, 529
 joint liability, if there be several, 529
 living out of the county, or absent from the state, exempt from such liability, 529
 entitled to costs, if action be not maintained against the principal, 529, 538
 not entitled to costs, unless he appear, 530
 out of the county, may appear by attorney, 530
 — disclosure may be taken before a justice, 530
 not appearing, to be defaulted, 530, 538
 may submit a statement of facts to the court, 530
 may appear by consent, at a subsequent term, as of the first, 531
 dying within thirty days after judgment, demand to be made on his executor, &c., 532
 may deliver specific articles to the officer, 532
 liable on scire facias, for not delivering them, disclosing personal property mortgaged, proceedings, 533
 to deliver it up, on tender of amount due, 533, 534
 if summoned, after principal has commenced an action against him, may have a continuance thereof, 535
 not to be adjudged trustee, after judgment against him in such action, 535
 if adjudged trustee, entitled to a deduction of amount paid on trustee execution, 535
 execution may be awarded against, for costs, if not paid when required, 535
 may retain in his hands any amount due him, 535
 may not retain for unliquidated damages, judgment against, form of, 536
 discharge of, no bar to action of principal, 536
 liable for costs on scire facias, if discharged on disclosure, not having before disclosed, exempt from costs, if prevented from appearing by good cause, 537
 penalty for false disclosure, 537
 to be discharged, if judgment be less than five dollars, 538
Trustee process, when to be used, 527

FOREIGN ATTACHMENT, &c.

Trustee process, may be commenced after commitment of debtor, 533
 — debtor to be discharged in such case; effect thereof, 533
 not to hold, amount due on a negotiable security, 534
 — money collected by a person as an officer, 534
 — money due only on a contingency, 534
 — money holden by a public officer, as such, 534
 — debt due on a judgment, where execution might issue, 534
 — money due for wages, for one month's personal services, 535
 — money due at service of writ, but paid before it was known to trustee, 535
 will hold money or goods due, but not payable, 535
 — goods fraudulently conveyed, in municipal, police, or justice courts, form of, 537
 — in what county to be brought, 538
 — proceedings in, 538
 — to proceed, though trustees be discharged, and defendant live in another county, 538
Trustee writ, form of, 527
 FOREIGN banking companies, prohibited, &c., 762
 FORFEITURES, chancery jurisdiction of the S. J. court, 395
 actions for recovery of, where to be commenced, 482
 to accrue to the state, unless otherwise expressed, 704
 FORFEITED personal property, for offences, how libelled, &c., 576
 FORGERY AND COUNTERFEITING. Chap. 157, 672 to 676
Altering notes, instruments, &c. with intent to defraud, deemed forgery, 675
Coins, gold or silver, counterfeiting, or having in possession, &c., 675, 676
 foreign, for exportation, counterfeiting, &c., 676
Connecting together fraudulently, parts of different notes, &c., deemed forgery, 675
Evidence, what admissible to prove falsity of bank notes, 674
 — to prove falsity of pretended public securities, 674
Forging and counterfeiting records, processes, attestations, certificates, deeds and other instruments in writing, how punished, 673
Instruments and materials for forging, &c. punishment for making or possessing, 674, 676
Magistrate, making false certificate on any instrument to be recorded, &c. deemed guilty of forgery, 675
Obliterations, fraudulent, deemed forgery, 675
Possessing forged public securities or bank notes, with intent, &c., 674
Rewards to prosecutors, on conviction and sentence, 676

- FORGERY, &c.**
Signatures, pretended, as officers of corporations, deemed forgery, 675
Uttering forged records, instruments, bank bills, &c., as true, punishment, 673, 674
- FORM**, of a recognizance for debt, 592
of writ of habeas corpus, 598, 600
of submission to referees before a justice, 594, 595
of poor debtor's oath, 629
— certificate of discharge, 630
- FORMEDON**, writ of, abolished, 609
- FORNICATION**, punishment, 686
- FORTUNE TELLERS**, to be sent to house of correction, 740
- FOURTH OF JULY**, arrests not to be made on, 495
courts not to be held on, 510
- FRANCHISE** of a corporation, sale of, 518, 520
- FRANKLIN** county, boundaries, 803
- FRAUDS AND PERJURIES IN CONTRACTS, AND IN ACTIONS FOUNDED THEREON, PREVENTION OF.** Chap. 136, 590 to 592
Contracts, personal, enumeration of certain, not binding unless in writing, signed by the party charged, 590, 591
not necessary to state the consideration in writing, 591
for sale of goods, &c. when not binding, 591
Contracts, for sale of real estate, may be enforced in equity, in case of death of the party bound; proceedings, 591, 592
provisions in case of death of the other party, 592
executors, &c. may be authorized to convey, on their own application, 592
such conveyance deemed a performance on the part of the testator, &c., 592
Representation of credit, &c. of another person, not actionable, unless, in writing, &c., 591
- FRAUD**, in pressing bay. *See Hay, &c.* Chap. 64.
equity powers of the S. J. court, 395
limitation of actions, extended thereby to six years, after knowledge thereof, 618
See False pretences, &c. Chap. 161, 691
by officers, &c. of banks, punished, 763
- FRAUDULENT, deeds**, may be avoided by third persons, after possession, &c. for twenty years, 615, 616
concealment, by debtor, of property, &c., remedy of creditor, 631, 633
conveyances, punishment for, 691
intent, how alleged in indictments, 704
- FREEHOLD**, any estate of, recovered by a writ of entry, 610
- FRIENDS, of minors, &c.**, when they may be licensed to sell lands or timber, 468, 469
- FUGITIVES FROM JUSTICE, AND CONDITIONAL PARDONS.** Chap. 174, 722, 723
Agent to demand and receive fugitives, 722
Death, persons under sentence of, their punishment may be commuted to confinement in the state prison, 723
- FUGITIVES, &c.**
Governor, may issue warrant to deliver up fugitives from other states, 722, 723
may offer rewards for persons charged with crimes and escaping, 723
- FUNDS** arising from sale of ministerial and school lands. *See Ministerial and school lands, &c.* Chap. 20, 180, 181
state school, 170, 171
- GAMESTERS**, guardianship of, 461
- GAMING FOR MONEY OR OTHER PROPERTY.** Chap. 35, 252, 253
Gaming, persons losing by, may recover back, 252
— another person may recover treble the amount, if loser do not prosecute in three months, 252
testimony of parties in such action, 252
in public houses, prohibited, 253
Penalty, for winning three dollars or more, 252
for gaming in public houses, 253
for keeping a house, resorted to for gaming, 253
for gaming or betting in such house, 253
Securities, void, given for gaming debts, 252
- GAMING**, prohibited in licensed houses, prevention and punishment of, 690
- GARDENS**, treble damages for trespasses upon, 569
— fine or imprisonment, 694, 695
- GENERAL ISSUE**, to be pleaded before justices, 515
- GOOD BEHAVIOR**, sureties for; proceedings, 707, 708, 709
- GOODS**, shipwrecked. *See Wrecks and shipwrecked goods*,
of value of §30, requisites for sale of, 591
- GOVERNOR**, term of office, election, qualifications, &c., 27
military and civil, constitutional powers, 27, 28, 31
vacancy, how supplied, 28
to transmit copies of all laws, &c., to governors of other states, 55
duty, as commander in chief of the militia. *See Militia*, 126, 130, 134, 135, 136, 143, 148
his salary, 27, 639
to allow rewards, to prosecutors for forgery in certain cases, 676
may call out militia, to suppress insurrections, 770
power as to fugitives from justice, and granting conditional pardons, 722, 723
his power to appoint public officers. *See the respective subjects.*
- GOVERNOR AND COUNCIL**, duties concerning the public lands. *See Public lands*, 49, 50, 54
- GRACE**, days of, on bills, notes, &c., 264
- GRAND JURY.** *See Jury, grand*, 717, 718
- GRANTOR AND GRANTEE**, parties to conveyances of freehold interests, 45
- GRASS LANDS**, treble damages for trespasses upon, 569
- GRIST MILLS**, owners of, to provide scales for weighing grain, 357

- GUARDIANS.** Chap. 110, 459
Convicts, guardians of, may be appointed if committed to the state prison for a year, 461
Embezzlement, by any persons, proceedings on suspicion of, 462
Guardians, of minors and other persons; form of bond, 462
 estate of wards to be appraised, &c., 462
 punishment of, if guilty of embezzlement, 462
 care of real and personal estates of their wards, 462, 463
 from what funds to pay debts, 463
 to collect and pay debts; prosecute and defend suits, 463
 power relating to real estate, in certain cases, 463
 sales and investments of personal funds, may be ordered by judge, on application, 463
 when, and how removable by judge, 463
 authority over female minors, ceases on marriage of wards, 464
 to settle accounts; as often as once in three years, 464
 — forfeitures for their neglect, 464
 bond to be re-examined on settlement of every account, except the final one, 464
 when two or more joint, oath of one may be taken on settlement of account, 464
Insane persons, spendthrifts, drunkards and debauchees, guardianship of, 461
 inquisition to be made by selectmen, 461
 — may be dispensed with, if selectmen, &c., be applicants, 461
 copy of application may be left at the registry of deeds; effect thereof, 461
 their disabilities, after a guardian is appointed, 464
 allowed out of their estate, for expenses of defending against the application, 461
 duty of guardians, as to persons and morals of such wards, 461, 462
 when the guardianship to cease, and the property to be restored, 464
Minors, guardians of, how nominated and appointed, 460
 if over fourteen years of age, to nominate their own guardians, 460
 power of guardians over persons and property, 460
 custody of, how far parents entitled, 460
 executors, &c., not to be guardians, 460
Wards, resident without the state; appointment of guardian in one county, excludes the jurisdiction of other counties, 464
GUARDIANS, authority of, as to binding out their wards, 369
 sales of real estate by license, *hy. See Sales of real estate, &c. Chap. 112,* 467
 of wards, resident without the state, may be licensed to sell lands, 471
GUARDIANS, *by will*, may be appointed by the father, till children are 14 years of age, 363
Guardians, ad litem, and next friends of minors, &c., allowed by courts, 464
GUARDIANS.
Guardians, may appear, or be appointed for a party to a suit, becoming insane, 507
 may be appointed for persons incapacitated, in process for partition, 545, 546
 — in real actions, 611
GUIDE POSTS, where to be erected, and how, 210
GUNPOWDER, SAFE KEEPING OF, AND PREVENTION OF FIRES. Chap. 34, 251
Gunpowder, selectmen may make regulations for keeping, 251
 if kept contrary to regulations, may be seized and libelled, 251
 persons, injured by explosion, may recover damages, 251
 selectmen may search for, 251
 regulations respecting, to be published, 251
 penalties, for violation of regulations, 251
 — recovery and appropriation of, 251
Stove pipes to be kept in order, 251
 penalty for neglect, 251
GUNPOWDER, buildings for manufacture of, when deemed nuisances, 697
HABEAS CORPUS, privilege of, not to be suspended, except in cases of rebellion, invasion, &c., 19
HABEAS CORPUS. Chap. 140, 596 to 602, 769
Application, to whom made, 597, 600
 its form, 598
Attachment against sheriff for contempt, to be served by a coroner, or other person, 601
Bail, if excessive be demanded, S. J. court to determine what is reasonable, 598
 power of S. J. court, to allow, in all cases, except of persons committed by governor, senate, or house of representatives, 602
 how taken after commitment, &c., 598, 599, 602
Copy of precept, on which prisoner is detained, to accompany the application, 598
 penalty, if refused by officer to any person demanding, &c., 601
Damages, for false imprisonment, recoverable, besides the penalties mentioned in this chapter, 601
 who may sue, if prisoner be eloiigned, 601, 602
Discharged person, not again to be arrested, unless, &c., 601
Examination, on process, may be adjourned, 599
 persons interested, to be notified, 599
 when party may be remanded, bailed or discharged, 599
 custody of party, before judgment, 601
Insane person, arrested or imprisoned, in a civil suit, may be released from confinement, 769
 rights of the creditor in such case, 769
Officer, refusing to obey the writ, how punished, 601
 further proceedings for prisoner's release in such case, 601

HABEAS CORPUS.

<i>Prison</i> , persons ordered to, on a criminal charge, to be conveyed without delay, &c.,	601
penalty for aggrieved party, if shifted to the custody of another officer, to evade process of habeas corpus,	601
<i>Return</i> , of writ, when directed to an officer,	598, 599
body to be brought by officer making the return, except in case of sickness, &c.,	599
should state, whether the party is in custody, and for what cause,	600
— if custody be transferred, to whom, when and why,	600
how to be authenticated,	600
<i>Writ</i> , what persons entitled to, as of right, &c.,	597
not to issue, if a good cause for confinement appear by the precept, &c.,	598
to issue forthwith, if copy of precept be refused,	598
form of, when party is restrained by an officer,	598
— when restraint is not by an officer,	600
may be served in any county,	600
how person restraining, and the prisoner may be described, if their names are unknown,	600
may issue, to bring a person to court, to attend as a party or witness,	602
may be granted to release minors, under enlistment, &c., without consent of parents, &c.,	602
HABITATIONS AND OTHER BUILDINGS, OFFENCES AGAINST; INCLUDING ARSON, BURGLARY AND SIMILAR CRIMES. Chap. 155,	668
<i>Burglary</i> , definition and punishment,	669
<i>Burning</i> , of dwelling houses and other buildings, in the night, or in the day time, &c.,	668
of vessels, produce, fences, trees, or other property,	668, 669
<i>Dwelling houses</i> , what buildings to be so deemed,	669
<i>Entering dwelling houses</i> , &c., how punishable, when not constituting burglary,	669
<i>Wife</i> , punishable, although the property be her husband's,	669
HARBORS , ballast not to be thrown over into; penalty,	271
HANCOCK COUNTY , boundaries,	798, 799, 802, 803
HAWKERS AND PEDLERS. Chap. 75,	323
<i>Articles prohibited</i> , description of,	323
— fine for selling; and forfeiture of the goods,	323
— proceedings; seizure of goods,	323
<i>Articles not prohibited</i> ,	323, 324
<i>County commissioners</i> , may license venders of tin ware,	324
conditions of such license,	324
— penalty for breach,	324
FRAUD IN PRESSING. Chap. 64,	308

HAY, &c.

<i>Pressed hay</i> , how branded for sale or shipping,	308
bales may be secured with boards,	308
<i>Penalty</i> , if master of vessel receive pressed hay, not branded,	308
<i>Weigher</i> , not to purchase hay, except for his own use and consumption,	308
HEALTH COMMITTEE , or board of health, powers of,	184, 187
HEALTH, PUBLIC, SAFETY AND POLICY, OFFENCES AGAINST. Chap. 163,	695, 696
<i>Fireworks</i> , selling or using without consent of selectmen,	695, 696
<i>Food</i> or liquor, rendered unwholesome by adulteration,	696
<i>Lotteries</i> , prohibited,	696
<i>Unwholesome provisions</i> , selling,	695
<i>Heir</i> , provision for, if not named in a will, debt due from, to the estate, to be a lien on his share thereof,	377 382
HEIRS , may redeem estate of their ancestor; set off on execution,	390
liable for demands, accruing more than four years after administration is granted,	542
may institute proceedings for redemption of mortgaged real estate,	557
penalty for waste by, on lands of insolvent ancestor deceased,	569
compellable, in equity, to convey lands, under written contract of their ancestor,	591
may have a writ of entry on their title, without an actual entry,	610
— when right deemed to have accrued as affecting limitation of time,	620, 621
HIGHWAY , word; includes county bridges, roads and ways,	45
HIGHWAYS , not to be dug up for laying drains, without consent of selectmen,	190
location, alteration and discontinuance of. <i>See Ways.</i> Chap. 25,	193 to 197
HOMICIDE. <i>See Lives and persons.</i> Chap. 154,	663 to 667
HOOPS , hogshhead, quality and how enumerated,	312
HOPS FOR EXPORTATION. Chap. 58,	299
<i>Deputy inspectors</i> ; bond, oath, duties, to make returns to inspector,	299 301
<i>Hops</i> , what deemed merchantable,	299
how sorted and branded,	300
not to be shipped, without inspector's certificate,	300
<i>Inspectors</i> ; appointment, tenure, oath and bond,	299
may appoint deputies,	299
manner of inspections,	299, 300
to issue warrants, to seize hops unlawfully shipped,	300
to make annual returns to secretary of state,	301
<i>Oath</i> , taken by master or owner of vessel, on exportation,	300
<i>Penalties</i> , how recovered and to whose use,	300, 301

- HORTICULTURAL SOCIETIES.** *See Agricultural societies, &c. Chap. 82,* 349
- HORSES,** malicious injury to, punished, 693
- HOSPITALS.** *See Contagious sickness. Chap. 21,* 186, 187
- HOSPITAL FOR THE INSANE;** insane persons, charged with crimes, may be sent there, 721
 — dangerously mad, 740
- HOUSES OF CORRECTION.** *Chap. 178,* 738
Counties, to be provided with, by the C. commissioners, 738, 739
 jails, to be substituted in the mean time, 739
Labor, materials and implements for, to be provided, 740, 741
 prisoners obliged to perform, if able, 741
 on refusal, &c., to be abridged of food, 741
Master, appointed by C. commissioners, 739
 to keep accounts, &c.; compensation, 741
 how to recover his expenses, &c., for prisoners, 741, 742
Overseers, county; appointment, duties, powers, compensation, 739
 of town houses of correction; appointment, compensation and duties, 742, 743
 — power, to commit persons intoxicated, &c., 743
Persons, liable to be committed to county houses of correction, 739, 740
 — term of confinement and conditions of discharge, 740
Rules and orders, made by C. commissioners, 739
Sick and disabled prisoners, how provided for, 741
Town houses of correction, their support and object, 742
 work houses may be used, as such, 742
 prisoners, how dieted, &c., 743
 who are liable to be committed; form and service of order for that purpose, 743
- HOUSE OF CORRECTION,** confinement in, substituted for other punishment, 705
 — expenses, how defrayed, 742
- HOUSES OF ILL FAME,** punishment for keeping, 686
 lessor may annul the lease, on conviction of the tenant, 687
 enticing females to, punished, 687
 warrant to search for females, so enticed, 687
- HOUSES FOR GAMING,** keeping of, punished, 690
- HUSBAND AND WIFE, CERTAIN PROVISIONS RESPECTING.** *Chap. 87,* 361, 362
Married woman, deserted by her husband, may be authorized by S. J. C., to make contracts, 361
 — may be authorized to convey property, which she holds in her own right, 361
 — to prosecute and defend suits, 361
 — to receive money due to her, and give discharges therefor, 361
 — proceedings by court in granting her such authority, 361, 362
 — contracts binding on her husband, if he return, 362
- HUSBAND AND WIFE, &c.**
Married woman, &c., husband may join in suits commenced by her, 362
 avails of real estate taken for public uses, how secured to her, 362
Married woman, removing into this state without her husband, may contract as a feme sole, 362
 — contracts binding on her husband, 362
Wife, of a person sentenced to the state prison, may be authorized to contract, 362
 — authority terminated by his discharge, 362
- HUSBAND** of insane wife, when licensed to sell real estate held in her right, 469
 of a female plaintiff, may be admitted as co-plaintiff, to prosecute with her, 507
- IDIOT.** *See Insane person,* 45
- IDLERS,** liable to commitment to work houses, 218, 219
 not to be furnished with liquors at licensed houses, 255
 going about begging, to be sent to the house of correction, 739
- ILL FAME,** keepers of houses of, punished, 242
 — not to take boarders or lodgers, 242
See Houses of ill fame, 686
- ILLEGITIMATE CHILDREN,** may be bound out by their mother, 363
 descent of estates, to, or from, 380
- IMPEACHMENT,** sole power of, in the house of representatives, 23
 to be tried by the senate, 24
 civil officers liable to, for misconduct, 33
- IMPOTENCY,** cause for divorce, 364
- IMPOUNDING.** *See Pounds and impounding. Chap. 30,* 228 to 233
- IMPRISONED PERSONS,** time of limitation extended, in personal actions, 617
 — in real actions, 621, 622
- IMPRISONMENT,** under sentence for five years, cause for a divorce, 364
- IMPROVEMENTS,** made by disseizor, use of, not included in estimate of rents and profits, 611
 compensation for, allowed to tenant after six years possession. *See Real actions. Chap. 145,* 612
 — not allowed in case of mortgage, or entry under a contract, 614
- INCEST,** punishment of, 685
- INCORPORATION ACTS,** deemed public acts, 44
- INCORPORATION,** of persons, for building or controlling meeting houses, 177, 178
 certain acts of, may be repealed, 329
- INDENTURES** of apprenticeship, 239, 369
- INDIAN TRIBES IN THE STATE.** *Chap. 15,* 108
Agents, appointed by governor, &c., not more than three, nor less than one, to each tribe, 109
 to be sworn and give bonds; to have the care of property of the tribes, 109

INDIAN TRIBES, &c.

- Agents*, may sue in their own names, in behalf of the indians, 109
 to pay bounties on agricultural produce, and render account, 112
 — quantity raised to be proved by claimant, 112
Contracts, for sale of timber, grass, &c., made with indians, void, unless confirmed by agent, 109
 — made by agents, not in force more than a year, except, &c., 109
trees or timber disposed of, not to exceed \$500 in one year, 109
 timber, &c., on township, No. 2, on St. Croix river, may be sold, not exceeding \$1000 annually, 111, 112
lien retained on timber and grass sold, 112
Passamaquoddy tribe, foreigners, not allowed to take their timber, &c., 109
 — penalty, if agent gives permits to, 109
 sales of timber and grass on No. 2, on St. Croix river; *lien* on the same, 112
 agent to furnish the tribe in April or May with potatoes and seeds, 112
 — render account to governor, &c.; how vouched, 112
 — to distribute articles to the distressed poor, 112
 — his compensation, 112
 — to deposit surplus moneys on interest in a bank, &c., till needed, 112
Penobscot tribe, agents to provide and deliver goods, &c., pursuant to treaty, 109
 islands may be leased, not exceeding twelve years; and burnt and decaying timber thereon, &c., may be sold, 110
 — avails to be placed in the state treasury, 110
 — sales at agent's risk, if made on credit, 110
 survey and plans of islands in Penobscot river, deposited, &c., 110
 — portions valuable for mills, fisheries, &c., to be designated, 110
 — such to be leased for a convenient term, 111
 farm for the aged, invalids, &c., 111
 improvements to be made by agent, 111
 lots for individuals over 21 years of age, if applied for, 110
 — to include parts already cultivated by party, &c., 110, 111
 form of the agent's certificate of such lots, 110
 no indian to sell or lease his lot, or commit waste, 111
 superintendent to manage farm and take care of the infirm and orphans, 111
 Oldtown island point, how lotted out and assigned, 111
 — lots to be held by individuals at the will of the legislature, 111
 — not transferrable, except to members of the tribe, 111
 interest of the avails of four townships, purchased by the state, applied to benefit of the tribe, 111

INDIAN TRIBES, &c.

- Spirituuous liquors*, penalty for selling to indians, 112, 255
 INDIANS, may take shellfish without a permit, except in June, July and August, 305
 not to intermarry with whites, 359
 INDICTMENT, conviction may be on part only, in certain cases, 702
 will lie, to recover fines, &c., to the use of the state, when no other mode is prescribed, 704
 criminal prosecutions to be commenced by, except in specified cases, 707
 proceedings on, in certain cases, stayed, by satisfaction to injured party, 719
 INDIFFERENT PERSON, how defined, as to relationship to parties, 46
 INDORSEE, innocent, not affected by usurious consideration, 317, 318
 INDORSERS, of writs, actions against, limited to one year, 617
 INDORSEMENT of writs and petitions. *See Actions, commencement, &c. Chap. 114,* 483, 548
 INFANTS. *See Minors.*
 saving of their rights, in limitation of personal and real actions, 617, 621, 622
 INFECTIOUS DISEASES. *See Contagious sickness. Chap. 21,* 182 to 188
 INFLUENCE, buying or selling, to procure offices of trust, 678, 679
 INFORMATIONS for intrusions, &c. *See Inquests of office, &c. Chap. 127,* 563
 INHABITANT, word, includes resident in any place, 45
 of a town, or other quasi corporation, remedy for, if obliged to pay a corporate debt, 330
 INJUNCTIONS, powers of the S. J. court to issue, 396
 — against banks, on complaint of bank commissioners; proceedings, 759, 760
 in actions pending, to prevent waste on land attached, 569
 — in cases of nuisance, 699
 INNOLDERS, COMMON VICTUALERS, AND RETAILERS OF SPIRITUOUS LIQUORS. *Chap. 36,* 254 to 257
Board for granting licenses, to consist of selectmen, clerk and treasurer, 254
 to meet on first Monday of May; notice, 254
 may grant licences, under restrictions, for one year, or a shorter time, 254
 fees for granting a license, 254
 may revoke a license, for cause, after hearing, 256
 to sue for breach of bond, 256
 in cities and plantations, for granting licenses, 256
Bond to be given by person licensed; form, 254
Inholders, to provide entertainment, &c., 254
Licensed person, to keep up a sign, 255
 not to allow gaming on his premises, 253, 255
 not to allow riotous or disorderly conduct, 255
 not to sell liquors to minors or servants, 255

INNOLDERS, &c.		INSANE PERSONS, DISPOSAL OF, WHEN PROSECUTED FOR CRIMES OR OFFENCES.	
<i>Licensed persons</i> , not to furnish liquors to U. S. soldiers, without permission,	255	Chap. 173,	721
not to furnish liquors to indians,	255	<i>Insane persons</i> , so found by jury, to be committed to the prison or the insane hospital,	721
— to idlers and spendthrifts, if prohibited,	255	— at whose expense, to be supported,	721, 722
<i>Licenses</i> may be revoked for violation of regulations,	256	— when they may be discharged from confinement,	722
heretofore granted, to continue in force,	257	<i>Towns</i> , responsible for damage done by such, if given up to overseers,	722
<i>Penalty</i> for persons gaming in licensed houses,	253, 255	INSANE PERSON , includes idiot, non compos, lunatic, &c.,	45
if any person furnish liquor to idlers or spendthrifts, after prohibition,	256	guardianship of,	460
for being an innholder, victualer or retailer, without license,	256	confined by civil process, may be enlarged,	769
for selling liquors, in particular, without license,	256	saving of rights, in limitation of personal actions,	617
<i>Penalties</i> , how recovered,	256	— — — real actions,	621, 622
duty of licensing board, to prosecute for, prosecutions for, not to be discontinued; but by direction of court,	256 257	dangerous, to be sent to the house of correction; or insane hospital,	740
<i>Victualers</i> , duty of, to provide food,	254	and others, under guardianship, appealing in probate court, against guardians, bond may be dispensed with,	433
INNOLDERS AND RETAILERS , not to give credit to students, without permission,	172	INSANE PAUPERS , to be removed to the insane hospital,	750
restrictions upon, on the Lord's day,	688, 689	INSOLVENCY , commission of, to vacate attachments on property of the deceased,	493
INOCULATION . See <i>Contagious sickness</i> , 186, 188		INSOLVENT ESTATES . Chap. 109,	453
INQUESTS, CORONERS' . Chap. 176,	724	<i>Actions</i> , what may lie against executors, &c., after a commission of insolvency,	457
<i>Burial</i> of the body, after inquest made,	726	if commenced before, may be continued, to ascertain if estate be insolvent,	457
<i>Charge</i> to jury, and proclamation, by coroner,	725	<i>Administration account</i> , to be settled within six months; after report of commissioners,	458
<i>Inquests</i> , to be taken only in supposed cases of violent death,	724	<i>Claims</i> , against insolvent estates; how to be classed,	454
<i>Jury</i> , their duty,	725, 726	presented to commissioners; to be sworn to, and to state credits, &c.,	454, 455
<i>Oaths</i> , of jurors and witnesses,	725	interest allowed after the insolvent's death,	455
<i>Warrant</i> , by coroner, to summon a jury,	724	value of collateral security to be deducted,	455
— to be served by a constable,	725	if either party dissatisfied, further proceedings,	455
to arrest party, charged by the inquest,	726	contingent, how provided for,	455
<i>Witnesses</i> , how summoned and sworn; testimony to be in writing,	725	— funds to be reserved to meet,	456
INQUESTS OF OFFICE, AND INFORMATIONS FOR INTRUSIONS . Chap. 127,	563	— to be paid, if made absolute within four years,	456
<i>Improvements</i> , value of, recoverable, by persons holding under the state, if evicted,	565	of administrator, to be settled by judge,	457
— process therefor by bill in equity; execution,	565, 566	barred, if not presented to commissioners, unless more assets appear,	457
<i>Information</i> , by order of the legislature, to recover lands forfeited for breach of condition,	564	what admissible, on a second commission of insolvency,	458
— scire facias; default; disclaimer,	564	Commissioners of insolvency; appointment and oath,	454
— proceedings, if defendant claims title,	564	in what cases, not necessary,	454
— — if defendant found to hold too much land,	564	meetings of, to be notified,	454
by attorney general; without order of the legislature,	565	times, within which claims must be presented,	454
— — notice; proceedings; judgment, &c.,	565	may examine claimants and witnesses, under oath,	455
to recover escheats; notice, &c.,	565	false statements of claimant, &c., deemed perjury,	455
— tenant, not to set up title in another person, unless privy; costs,	565	report; fees,	455
— title acquired, pending suit; effect,	565	in case of mistake, report may be recommitted, before distribution,	457
<i>Judgment</i> , that the state be seized, &c.; effect; how far conclusive,	565		
INQUESTS , on dead bodies, costs regulated,	647		
INQUISITION , by selectmen, before guardians appointed to insane persons,	461		

INSOLVENT ESTATES.

<i>Commissioners</i> of insolvency; when a further commission may be issued,	458
claims before allowed, not to be affected,	458
<i>Creditor</i> , in case of appeal from commissioners, to bring action at law,	456
all demands between the parties, to be put into the case,	456
claim, by consent, may be left to referees,	456
may be examined under oath, at the trial,	456
judgment, if in his favor, to be added to list of claims,	457
provisions for costs,	457
<i>Debts</i> , not available as assets, how disposed of,	458, 459
<i>Distribution</i> , decree of, how made,	457
<i>Executor</i> , included in the word, administrator, as used in this chapter,	459
<i>Waste</i> , on lands of deceased; powers and liability of administrator, &c., in case of insolvency,	458
INSOLVENT ESTATE, special leave may be granted to prosecute a rejected claim against, when by accident notice was not duly given,	550, 551
— application therefor limited to two years,	551
— distribution not to be disturbed thereby,	551
INSPECTION, of beef and pork. <i>See Beef and pork, &c. Chap. 50,</i>	273
butter and lard. <i>See Butter and lard. Chap. 53,</i>	286
fish. <i>See Fish, inspection of. Chap. 54,</i>	288
— duty payable to town treasurer, for use of state,	638
lumber. <i>See chap. 66,</i>	310
INSPECTORS, of lime and lime casks. <i>See Lime and lime casks. Chap. 51,</i>	281
pot and pearl ashes,	284, 285
nails. <i>See Nails, &c. Chap. 55,</i>	293
tobacco. <i>Chap. 56,</i>	296
flax-seed. <i>See Flax seed, &c., Chap. 57,</i>	298
hops. <i>See Hops for exportation. Chap. 58,</i>	299
sole leather. <i>See Leather, &c. Chap. 65,</i>	309
fees of; fish, clams, beef and pork, butter and lard, and hops,	651
— tobacco, onions, pot and pearl ashes, and lime,	652
INSPECTORS GENERAL, duty on their commissions,	638
may require returns, under oath, from their deputies,	653
INSPECTORS of state prison. <i>See chap. 177,</i>	728, 729, 737
INSTRUCTING representatives, right of,	19
INSTRUCTORS OF YOUTH, qualifications and duties of. <i>See Education, &c. Chap. 17,</i>	168, 169, 170
to inculcate virtuous principles,	170
INSURANCE COMPANIES. <i>Chap. 79,</i>	334 to 338
<i>Annual</i> statement of condition, to be published,	336
<i>Capital stock</i> , to be at least \$100,000,	335

INSURANCE COMPANIES.

<i>Capital</i> , if not paid in, stockholders to be liable, how to be invested,	335
partial loss of, to be repaired, before making dividends,	336
if wholly lost, no further insurance to be made,	336
<i>Directors</i> to make triennial and other statements of profits and losses,	336
<i>Dividends</i> , when and how made, not to be made, whilst capital stock is reduced by losses,	336
<i>Foreign</i> insurance companies, agents of; to file certain copies with register of deeds, — penalty for neglect,	337
<i>Insurance</i> , to be made upon what property, companies, not to engage in trade,	336
<i>Legislature</i> may examine into company affairs,	336
<i>Limitation</i> of amount of single risks,	335
<i>Meetings</i> , how called and notified,	335
<i>Officers</i> , choice of, powers, duties, and term of office,	334
<i>Policies</i> , how executed,	335
<i>Risks</i> , amount of, limited,	335
<i>Stockholders</i> liable, if capital be not all paid in,	335
<i>Mutual fire insurance companies</i> , exempt from certain general provisions,	336
may insure against fires,	336
by laws and regulations to be set forth in policies,	336
persons insured, to be members,	337
assessments on premium notes,	337
members not liable beyond their amount,	337
lien of, on real estate, and how secured,	337
if assessment be not paid, how it may be collected,	337
INSURANCE, limited partnerships for, prohibited,	265
INSURERS, destruction of property, with intent to defraud them; punishment,	691, 692
INSURRECTIONS, militia may be called out, by governor, to suppress,	770
INTEMPERATE poor persons, may be sent to the house of correction,	245
INTEREST, legal rate of. <i>See Usury. Chap. 69,</i>	317, 318
recoverable in actions of debt on judgment, to be collected by officers on executions,	509
INTERLOCUTORY judgment, on petitions for partition,	545
INTERMARRIAGE of party, no cause of abatement of a personal or real action,	507, 611
INTESTATE ESTATES, descent of. <i>See Descent, title by. Chap. 93,</i>	379 to 382
INTRUSIONS, information for. <i>See Inquests of office, &c. Chap. 127,</i>	563
INVENTORY, of estates of deceased persons,	439
— wearing apparel may be distributed without being appraised,	439, 440
ISLANDS, INDIAN, in Penobscot river, to be surveyed and lotted,	110
ISSUE, term, to include all the lineal descendants of the ancestor,	45